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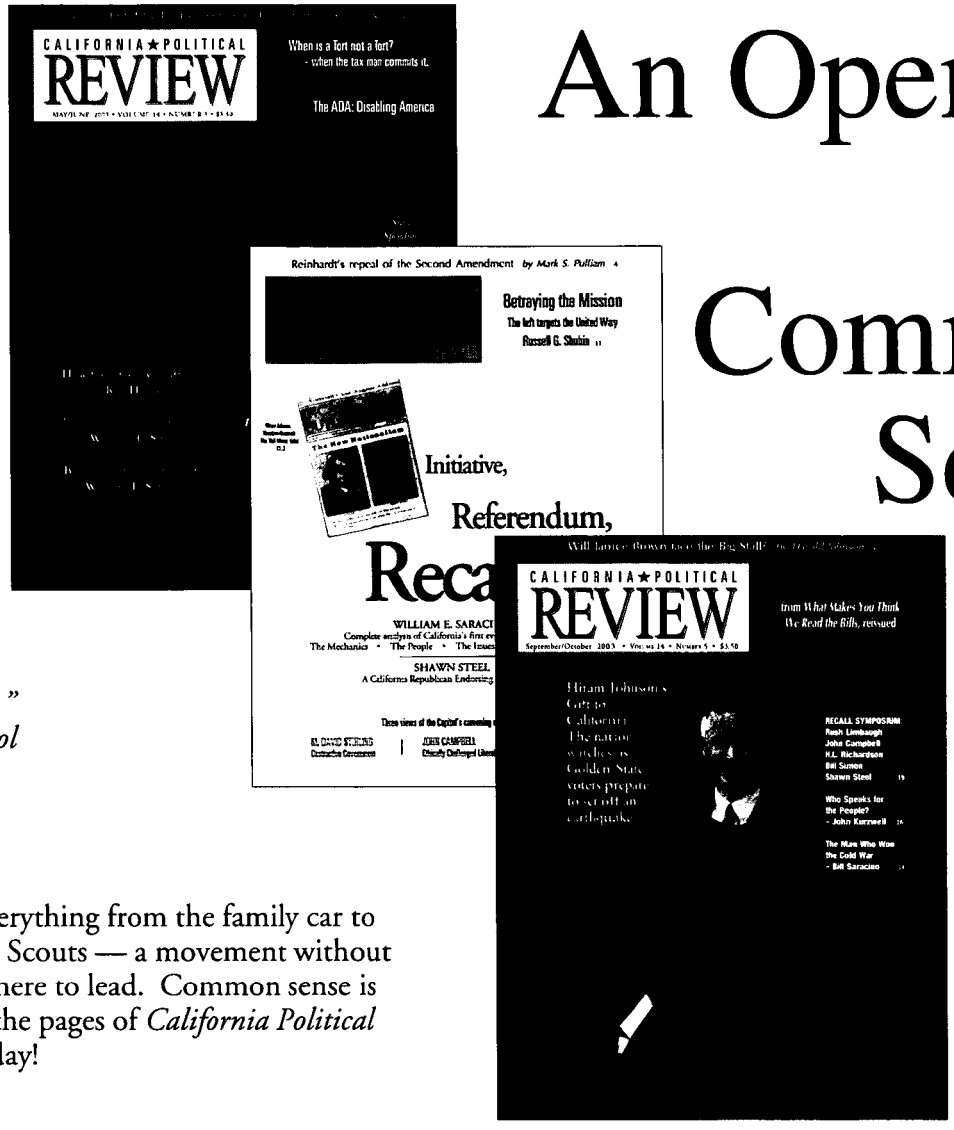
An Opening for Common Sense



"The beginning of political wisdom is the recognition that liberalism is at the end of its intellectual tether."
— Irving Kristol

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Necrology — Obituaries — windows into the culture — often surprise with previously unknown information on well-known figures. On the lesser known they can provide fascinating insights. Herewith, a Critical rundown of arresting facts from recent obits of the great, the powerful, the celebritous, and the little known.

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CORRESPONDENCE

Taking casualities

Congratulations on reaching moral equivalence. Gideon Kanner's bombardment of bad reasoning stuns the mind ("Remember Dresden, but Honor the Bombardiers," *CPR*, Sept./Oct. 2003). Start with his bald assumption that enemy murders justify our own — an assumption not shared by President Bush, who took casualties rather than bomb indiscriminately — but perhaps par for the course at Loyola Ex-Catholic University. Continue past his hackneyed claim that terror-bombing shortened the war (so did Genghis Khan's massacres). End with his astonishing notion that we owed it to the Soviets. That justification is new to me, and probably to many others who lost millions of family and compatriots to good old Uncle Joe Stalin.

This is carrying love of war too far. I'll never honor any mass murderers of civilians no matter whose flag they flew. You neoconservatives have fallen in love with the absolute freedom of amorality. I don't know what future massacres Mr. Kanner is hoping for, but I catch a clear picture: the Dems killing unwanted children, and the Reps killing enemy children, shoulder to shoulder. And I'm out of it.

Lawrence J. Dickson
National City

Gideon Kanner responds:

Lawrence J. Dickson's letter, responding to my article on Allied bombing of Germany in World War II, is an outstanding example of the disastrous state of today's American public discourse. Reasonable people can have serious, forceful differences of opinion on all sorts of issues, including moral ones, but Dickson is not content with disagreeing with me. He substitutes invective for reason. By his lights, the fact that I hold views on the conduct of World War II that harmonize with those of the "greatest generation" that had to fight and shed blood in it, and that differ from his views that are evidently shaped by today's much more benign conditions, makes me not just mistaken, or wrong, but positively evil. And so he rages rather than responds, throwing in for good measure a dollop of anti-Catholic bigotry when he disparages Loyola University that has nothing to do with the subject at hand, and whose sole "sin" in this matter seems to be that it formerly employed me, though I am obviously not Catholic.

Dickson's letter confuses the moral standards by which war is waged today and the way it was over a half-century ago. He also clearly fails to understand

(Please turn to page 12)

STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION, 10/15/03

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C. Total paid circulation	2129	1689
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D2. In County free distribution periodicals mail	57.5	57
D3. Other free distribution by mail	0	0
E. Free distribution, not mail	183	690
F. Total free distribution	526	985
G. Total distribution	2655	2674
H. Copies not distributed	353	206
I. Total	3008	2880
J. Percent paid and/or requested circulation	80%	63%

I certify that the statements made by me above are correct and complete. John Kurzweil, Editor

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SACRAMENTO SPECTATOR

Dems mull their options

When the Governator gets the Legislature back in town for a special session(s), the question of which face legislative Democrats show him and the public may be answered soon. Your *Spectator* can report that there is a serious split among senior Donkeys in both legislative houses about whether to stand and fight from the get-go, or play nice for a while and see which way the political winds blow.

The "war" party, led by Senators Sheila Kuhl and John "Oh the Pain" Vasconcellos, thinks being obstructionist and defiant from the start is the only way to rally and maintain the Democrat base. John "Self Esteem" Vasconcellos, who called Schwarzenegger "a boob," earlier said he might resign rather then serve with him as governor. The "pragmatist" party is led by several legislators and includes both Senate President John Burton and Assembly Speaker Herb Wesson. These Democrats believe they must at least appear to cooperate — for a while anyway — with the new governor.

The pragmatists point to pre- and post-election surveys that show voters in an exceptionally foul mood on politicians in general, and the Legislature in particular, but very high on and excited about their new governor. They think picking a fight with him now would risk losing them the support of their more moderate members and could spell big trouble at the ballot box next November for all Democrat candidates.

After *Spectating* like crazy the last few weeks, and selflessly attending numerous cocktail parties to eaves drop on whispered conversations, I have deduced that the Democrats' at least tentative plan of action is to be as nice as possible to the new governor, in public anyway, appearing to be agreeable even when disagreeing on policy matters.

A narrow majority of Democrats are prepared to accept a sacrifice of some liberal sacred cows, including illegal immigrant drivers' licenses, the car tax, state employee union raises, and the current trial lawyer-driven workers' compensation setup. *Most* Democrats consider the drivers license and car tax issues lost causes, and — following some wailing and gnashing of teeth for media consumption — will go along with the governor on those issues.

Anything more, however, will involve legislative trench warfare. The Democrats intend, while seeming to "bend" so as to "work with" the governor and legislative Republicans, to drag the process out as long as possible, hoping to outlast the Schwarzenegger "honeymoon" with the voters. The idea is to drag down the governor's popularity numbers by next summer making it safe to return to open fighting to derail his legislative initiatives.

This much is certain: the hardcore liberals and socialists who rule both houses' Democrat caucuses will fight to the death to protect the liberal madness they have imposed on California the past five years. Their strategy walks a fine line with the voters. It could create a backlash enormously damaging to Democrat candidates from the top of the ballot on down, as the "pragmatic" camp has pointed out. With proper political sophistication and some luck, the governor and his Republican allies could find themselves a year from now having won several substantial legislative victories and, thanks to liberal Democrat intransigence, facing the prospect of significant GOP legislative gains.

— A. P. C.

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Strong-Arming the Scouts

Still unconstitutional, and immoral: The left's venomous crusade to punish Scouting for refusing to bend the knee to the new sexual morality.

HAROLD JOHNSON

MORE THAN three years have passed since the U.S. Supreme Court ruled that public officials cannot force the Boy Scouts of America to abandon their philosophically-based membership policies, in particular their refusal to allow acknowledged homosexuals to serve as Scout leaders. But scouting is still targeted by government officials who think they've found ways around the Supreme Court's decision — and by the ACLU, which is on a venomous crusade to punish Scouting for refusing to bend the knee to the new sexual morality.

The Constitution is on the side of the Scouts' freedom to follow their own beliefs without retaliation or unequal treatment by government. Some judges, however, are having difficulty understanding that fact.

Federal District Judge Napoleon Jones in San Diego, for instance. This summer, in a case brought by the ACLU, he voided the Scouts' longtime lease of acreage in the city's beautiful Balboa Park. He called the Scouts a "religious" organization, and declared that the city granted them preferential treatment in awarding the lease. But the transaction was open, public, and above-board. Any other organization could have asked to participate, but none put in a bid. And San Diego has struck deals for the use of public land with scores of other nonprofit groups, including religious-based organizations such as the Salvation Army, a Jewish community center, and the YMCA.

The Boy Scouts have invested millions of dollars in improvements to their 18-acre site, installing water and power lines, planting trees, building nine campsites, and adding a swimming pool, parking lot, and meeting rooms. The Scouts make the facility available for other groups on a nondiscriminatory basis.

One can't fault Judge Jones for lack of candor. He wears his disdain for Boy Scout principles on his sleeve:

"[T]he Boy Scouts of America's strongly held private, discriminatory beliefs are at odds with values requiring tolerance and inclusion in the public realm."

The real discrimination here, however, is imposed by the judge's ruling, because it singles out the Scouts for disfavored treatment because they hold politically incorrect beliefs.

Boy Scout membership rules are an expression of Scouting's fundamental principles. As a private, belief-based organization, Scouting has a constitutional right to tailor its membership policies to fit its philosophy — the philosophy expressed in the Scout Law and the Scout Oath that emphasize living "morally straight" and acknowledging a duty to God and country. In *Boy Scouts v. Dale* three years ago, the Supreme Court said that government cannot compel the scouts to abandon membership policies that are expressions of scout beliefs. It's called freedom of expression.

THE SAME First Amendment that protects the Scouts — and all other belief-based private organizations — from being forced to abandon unpopular convictions also protects them from being punished by government for sticking with principles that bureaucrats, or the ACLU, might disfavor. This constitutional maxim has been given expression in Supreme Court cases that have prohibited government from singling out targeted groups for denial of government benefits or access

Harold Johnson is an attorney with the Pacific Legal Foundation (www.pacificlegal.org) in Sacramento. He represents one of the Berkeley Sea Scouts before the California Supreme Court in the challenge to Berkeley's anti-Scout berth fee.

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LEGISLATIVE FILE

Ray Haynes' Nosey Awards

The Nosey Awards: given to the year's top ten most intrusive, and least rational, exercises in lawmaking.

Ten (AB 732): Representing Berkeley and Oakland, and drawing on all the rich hog farming experience that must give her, Loni Hancock says protecting pregnant sows according to American Veterinary Medical Association rules isn't good enough. She would criminalize farmers who provide their pigs anything less than the finest private labor and delivery rooms.

Nine (AB 210): Having banned tobacco smoking from jobsites, restaurants, and bars, Joe Nation now wants to prohibit smoking tobacco in your apartment or condo (if smoke could be detected by a sensitive neighbor). And don't try going outside for a smoke break: he wants to ban outdoor smoke that could go in someone's window. He's specific about *tobacco* smoke, ignoring marijuana. Probably just coincidence that he represents Marin County.

Eight (SB 868): On a public works project? Joe Dunn wants unions to have information about your work hours and pay. SB 1 prevented business from disclosing this information, but this law *requires* government to hand it to unions.

Seven (SB 1009): Spend much on E-bay this year? How many books did you buy from Amazon? Purchase any cigarettes from out-of-state Indian reservations? Dede Alpert wants government to know.

Six (AB 45): Joe Simitian's bill would require the use of hands-free devices on cell phones while driving. Good for manufacturers of hands-free devices, but a questionable imposition on drivers.

Adding other dangers of inattentive driving: eating, reading, shaving, applying make-up, etc., was rejected.

Five (AB 202): Ellen Corbett's bill seems to require pet shops to sell birds by the pound, or at least to mark their weight on sales receipts. It also requires that birds be weaned before they're sold by a pet store. Bringing state power to bear on pet shops earns this bill a Nosey.

Four (AB 1555): Ever had a day at the beach ruined by fog or cold wind? By teenagers playing loud radios or load-mouthed drunks two blankets away? Many people have. How about by loud boats? Evidently a problem for someone, because George Nakano wants to ban sales of loud, ocean-going boats and prevent operation of loud boats within a mile of the coast.

Three (AB 1657): Wilma Chan would prohibit manufacturers from professionally packaging alcoholic jello shots and selling them in liquor stores. On the floor, one Assemblymember asked, "What if I accidentally bought these alcoholic jello shots and brought them home to my children and gave them to the kids?" The answer is you'd be an idiot.

Two (AB 858): Jackie Goldberg's ban on "racially derogatory or discriminatory school or athletic team names, mascots, or nicknames" is sensitive, but, seemingly, only about Indians, ignoring white guys in dopey hats like the Vikings or Minutemen.

Number One (SB 677): After having failed last year to pass a soda tax, the obsessed Senator Deborah Ortiz is back harping on the evils of soda in schools. Nosing into what ought to be the jurisdiction of locally elected school board members and parents, SB 677 will further restrict the time, place, and manner in which our children will be allowed to purchase certain drinks on campus. CPR

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to government facilities solely because of their unfashionable views. This First Amendment ban on "viewpoint discrimination" by government was enunciated perhaps most clearly in the 1995 case of *Rosenberger v. Rector and Visitors of the University of Virginia.* There, the Supreme Court invalidated a public university's denial of subsidies to a student journal that expressed religious viewpoints, at the same time as subsidies were allowed for journals with nonreligious viewpoints. "Government offends the First Amendment when it imposes financial burdens ... based on the content of [one's] expression," wrote Justice Anthony Kennedy for the majority.

SUBSEQUENT RULINGS from the Supreme Court and various lower courts have played variations on that theme, striking down access restrictions to public programs or property when they were aimed exclusively at religious groups or other organizations with messages that made bureaucrats uncomfortable. Opponents of these rulings try to play on the fiscal conservative's aversion to public subsidies, by complaining that they establish a "right" to a government hand-out of some kind. But that turns the issue on its head. The "right" these rulings establish is a right to be free of adverse government discrimination based on one's views.

When government decides to provide a subsidy on a broad basis, or to open property to the public, there is a "right" not to be denied participation solely because of your beliefs. For instance, it's not permissible to charge Democrats more than Republicans, or Jews more than gentiles, to use a municipal swimming pool. By the same token, the Boy Scouts can't be excluded from public facilities — or made to pay more, or denied participation in generally available bidding programs — because they don't march in philosophical lockstep with elite opinion about sex and the cosmos.

Judge Jones isn't the only jurist who doesn't get it. Recently the U.S. Second Circuit Court of Appeal upheld the state of Connecticut's decision to drop the

WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

By SAM PAREDES

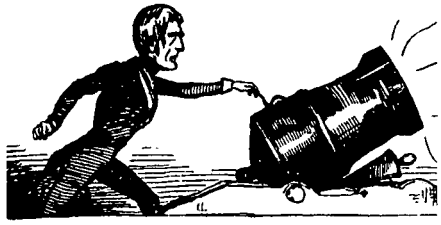
Good-bye Gray Davis; don't let the door hit you on your way out. Your backside should still be sore from the rump-kicking you took from the voters. The 2003 Recall Election is one time when we're happy to throw out the baby with the bath water.

Davis's departure opens a brave new world in California, with a governor, Arnold Schwarzenegger, who has committed to being a governor of *all* Californians. Well, now he has a chance. Millions of California gun owners have been disrespected, disdained, treated as moral lepers — shown, that is, all the usual compassion the left shows anyone who won't toe the line — by Gray Davis for five long years. If a governor represents the people, gun owners have had *no* governor for those five years.

Sam Paredes is executive director of Gun Owners of California.

Governor Schwarzenegger can be everyone's governor, and gain the support of a significant, active part of the electorate, merely by saying "enough already." We have gun bans, gun regulations, safety certificates, mandatory training, one handgun a month, waiting periods, safe handgun tests, gun locks, gun safes, mandatory safety devices on semi-auto handguns ... it's enough!

As a matter of fact, the Center for Disease Control reports that it's a lot too much. After studying many of the nation's "gun control laws," the CDC concluded that *none* of them have *any* impact on crime and



criminal use of guns. What? Say that again, you say? N-O-N-E of those studied have A-N-Y effect on crime. They only slam law-abiding citizens attempting to exercise their rights.

This news won't dampen enthusiasm for more controls among Democrat legislators who've never been noticeably overwrought about violent crime in any event. Power to push people around is the tonic that makes their pulses race.

But for normal people, the utter failure of gun laws to serve their primary stated purpose ought to be reason enough to reject more of them. Add their destructive impact on our rights, and the case should be closed. Please, Gov. Schwarzenegger, take note of the CDC report. Veto any new anti-gun laws brought to your desk. Be governor to California's gun owners along with the rest of Californians.

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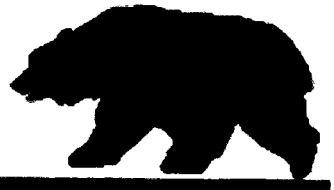

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Boy Scouts from the list of charities that state government employees can support through payroll deduction. The Scouts are preparing to ask the U.S. Supreme Court to review that ruling.

Last year, a California appellate court upheld Berkeley's policy of imposing a discriminatory fee on a Scout-affiliated group, the Sea Scouts, for use of the city's marina. No other nonprofit has been forced to pay this tribute to the city. The Sea Scouts are singled out explicitly because of their ties to the Boy Scouts and the Boy Scouts' refusal to admit homosexuals and atheists.

THE CALIFORNIA SUPREME COURT, which takes fewer than five percent of the cases that are appealed to it, granted review in the Berkeley case earlier this year (by a 4-3 vote). The justices will confront a compelling human-interest story along with the legal issues. Because of Berkeley's decision to punish the Scouts, high-school teacher Eugene Evans, the Sea Scouts' skipper, must pay more than $500 a month out of his pocket so the Sea Scouts' ship can berth in the marina and 20 or so boys can sail the bay on weekends and learn carpentry and plumbing by working on the ship during the week.

Because Evans is covering berthing costs, he can no longer afford to cover the cost of outings and sailing trips for boys from poorer neighborhoods around Oakland and Berkeley.

These carrot-and-stick ploys by government to prod the Scouts into changing their beliefs are textbook examples of what courts describe as "unconstitutional conditions."

As summarized by Stanford Law School Dean Kathleen Sullivan, the doctrine of unconstitutional conditions holds that "government may not grant a benefit on the condition that the beneficiary surrender a constitutional right, even if the government may withhold that benefit altogether."

Government is prohibited from directly suppressing free speech; the unconstitutional conditions principle, in Sullivan's words, says that government also "may not do indirectly what it may not do directly."

This rule — that government can't dangle an incentive for you to give up your rights — is abridged when officials offer nonprofits, say, free use of the marina, only to withhold it if an organization doesn't toe a party line.

In refusing to concede that government may punish the exercise of constitutional rights, the Boy Scouts and their affiliated groups do battle for all who value liberty of conscience. A key mark of an open society — a society that practices "tolerance," to use the word so ironically employed by Judge Jones in his San Diego ruling — is the ability of private individuals and groups to embrace their chosen beliefs without pre-clearance, editing, or censorship — and without punishment or discrimination by the state.

The Scouts deserve thanks for not surrendering their liberties quietly, because their freedoms are everyone's freedoms. CPR

CBS hates Reagan

I knew that one day we would see

Ronald Reagan smeared on TV,

Portrayed to be a nasty bum,

Mean and heartless, and also dumb,

Who took his every chance to kick

The poor and helpless, lame and sick.

And sure enough, at CBS,

Run by the lefty, Les Moonves

They've got a series that will pan

The Gipper as an evil man.

They hope, I guess, once and for all

To ruin him beyond recall.

Still, no matter how hard they try

Most folks, I think, will see the lie.

— by Joy Skilmer*

(CBS moved its Reagan smear to Showtime after a deluge of e-mailed, FAXed, and telephoned protests nearly drowned the network and sponsor Hallmark Cards. — editor)

** The political verse of Joy Skilmer, né Lyn Nofziger, is available at both Barnes and Noble.com and Amazon.com and from MND Publishing, 573 Marina Rd., Deatsville, AL 36022. Keep up with Lyn's "musings" at: www.lynnofziger.com*

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An Impending Assault on Prop. 13

Frustrated by GOP legislators' refusal to back tax hikes, Democrats target a lesser-known provision of Howard Jarvis's landmark initiative.

M. DAVID STIRLING

In his election-night victory speech Governor-elect Schwarzenegger sought to convey a conciliatory message to the liberal Democrats that control California's Legislature. "Tomorrow," he said, "I will call the leaders of the Legislature, and will let them know my door will always be open. ... I extend my hand to them.... I want to work with them for the good of California." Then the governor-elect strode into dangerous territory by saying: "For the people to win, politics as usual must lose."

Because the phrase "politics as usual" carries potent meaning for all people who elect their leaders, that Schwarzenegger quote appeared in recall election stories around the world. Yet, to the California Legislature's zealous liberal majority, "politics as usual" has an entirely different meaning than Schwarzenegger and most California recall voters had in mind.

When California's voters put liberal Democrats in control of the Legislature in the 1998 general elections – the same year they put Gray Davis in the governor's office — the state's treasury was flush with a surplus estimated at $12 billion. By recall-election night, less than five years later, the surplus was gone and the liberal majority had spent the people of California into more than $38 billion of debt. This bunch is so spend-crazed that as late as July 2003, when the staggering debt was already damaging the state's fiscal reputation, one of their rank – with the leadership's assistance – quietly inserted in a budget trailer bill an additional $400,000 spending item for the construction of an AIDS memorial in the likeness of a pagan Aztec god named *Quetzalcoatl* (and this is only one of many possible examples of the die-hard spending mentality that prevails within the majority caucus).

Former California legislator M. David Stirling is vice president of Pacific Legal Foundation (www.pacificlegal.org), a public interest legal organization that has defended, and advances, Proposition 13 in the courts.

When the deadline for the current year's budget rolled around last June — time again to pay the piper for the obscene state debt they had incurred — these legislators tried to embarrass their Republican colleagues into voting for $60 billion in new- and higher-tax proposals. When the budget deadline passed with no Republican willing to support any form of tax increase, the Democrats accused them of deliberately harming children, the poor, education, public safety services, private vendors doing business with the state, and anyone and anything else they could think of. Still, Republicans did not budge on tax increases.

Frustrated on this front, the liberals decided to try an initiative. Fronted by a coalition of allies from public employee unions, local government officials, and other recipients of state services and benefits, they drafted a measure with a deceptive name, "The Budget Accountability Act," that targets Proposition 13.

Most people know Prop. 13 for its major impact on reducing and limiting property tax increases. In the primary election of June 6, 1978, nearly 66 percent of California's voters embraced Howard Jarvis's and Paul Gann's "I'm mad as hell and I'm not going to take it anymore" campaign to reduce property tax rates. Since 1978, millions of California property owners – even those who purchased their property years after the measure's enactment – have benefitted from the limitations it placed on tax-rate increases and annual valuation growth. In 1979, property owners statewide paid $57 million less in property taxes than they did the year before, with cumulative property tax savings over 25 years estimated at more than $200 billion.

But in addition to its property-tax limitation feature, Proposition 13, in what became Article 13A, Section 3 of the California Constitution, also requires

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approval by two-thirds of the members of both legislative houses for "... any changes in state taxes ... whether by increased rates or changes in methods of computation ...."

The big-spenders/taxers' "Budget Accountability Act" would lower the requirement for approving tax increases – and for approving the state budget – from the current two-thirds to a 55-percent vote in the Legislature. The measure's sponsors believe that because Prop. 13's property-tax limitation feature overshadows its other major tax-limiting provision (the "super-majority vote" requirement), the time is right to enact changes that would enable them to increase taxes without Republican votes.

THERE IS no mystery in this assault. In practice, Prop. 13's "super-majority vote" requirement means that a new tax or an increase of an existing tax requires 54 of 80 Assembly votes and 27 of 40 Senate votes, numbers Democrats cannot muster alone; they need Republican votes. With Republicans usually unwilling to support tax increases, the liberal majority has found the two-thirds vote requirement a maddening obstacle. This requirement has saved California taxpayers untold billions in higher taxes that would have been imposed over the last 25 years, but for Prop 13.

Liberals and their tax-recipient allies have never accepted the people's overwhelming embrace of the tax-revolt that is Prop. 13. (A *Los Angeles Times* poll taken in 1998 – the measure's 20th anniversary – showed that 66 percent of Californians still favored Prop. 13, and the measure remains wildly popular today.) They blame Prop. 13 for all the state's and local governments' ills, for the decline in California's public schools, even for the national mood that enabled the Ronald Reagan presidency. They also blame Prop. 13 for their inability to tax their way out of the current fiscal mess.

"Budget Accountability Act" proponents claim to have collected more than enough signatures to qualify the measure for the March 2004 primary election ballot. Assuming the measure qualifies, consider: if the 55 percent legislative vote requirement were in effect today, the Democrats that control both legislative houses would have sufficient votes to enact any tax-increase or new tax they desired. In the current session, they've already introduced $60 billion of such proposals. CPR

THE WORKING PRESS

Love the sin, hate the sinner

Liberals don't care that Limbaugh stepped away from the moral law he defends. What disturbs them is that he may go back.

GEORGE NEUMAYR

CALIFORNIA MEDIA liberals salivated over the news that Rush Limbaugh is addicted to pain killers. Several sagacious observers have noted that anyone who discusses liberalism for three hours a day needs them.

Modern liberalism, though it considers morality situational and subjective, treats hypocrisy as a serious sin. Why? If nothing is objectively sinful, if deception is justified, why is hypocrisy sinful? Hypocrisy is sinful — that is, damaging to the soul — if the moral principles the hypocrite voices, but then violates, are true. But liberals denouncing Limbaugh usually tell us those principles aren't true, that humans can abandon them without damage to their character. So what's the problem with departing from a moral code liberals consider dangerous in the first place?

Hypocrisy is bad for the soul, but liberals can't

Mr. George Neumayr is California Political Review's *press critic.*

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reach that conclusion on the basis of their moral relativism. In order to work themselves into a lather over hypocrisy, they have to suspend their philosophical commitment to moral relativism and invoke principles of conservative moral philosophy. Once the subject of their moral outrage over hypocrisy is ripped up, they shelve those principles and return to a skepticism about right and wrong in which everything is defensible.

If, as they say, man is the measure of morality, why can't he choose to be a hypocrite? Why isn't that a lifestyle choice worthy of their existential respect?

Newsweek called Rush a "schlub." Eric Alterman (who scratches his head over the perception that the media is biased to the left) has said that it is too bad Rush didn't go deaf. The *Washington Post's* gossip columnist recounted a "hilarious" evening comedian Al Franken spent at a D.C. bar mocking Limbaugh. Franken, said someone at the bar, "does a great impression of Rush Limbaugh in a 12-step program. He said, 'Rush is having problems with the step where you acknowledge a higher power. He's wondering if you can acknowledge yourself as a higher power.' It was hilarious."

This crowd assumes Rush's hypocrisy is a lower moral state than their standardless self-indulgence. Why? Aristotle, among other moral philosophers, would consider it a higher one. The hypocrite, whom Aristotle would call "incontinent," can retrieve his soul; the shamelessly licentious see no reason to try, and therefore are beyond morality.

"The self-indulgent man," he wrote, "is not apt to repent; for he stands by his choice; but the incontinent man is likely to repent ... the self-indulgent man is incurable and the incontinent man curable; for wickedness is like a disease such as dropsy or consumption, while incontinence is like epilepsy; the former is a permanent badness, the latter an intermittent badness."

Aristotle likens the incontinent man to a "city which passes all the right decrees and has good laws" but fails to put them to use, whereas the licentious man is like a city that passes "wicked laws and puts them to use."

The latter is the city hypocrisy-hunting libertines like Franken seek to build, and woe to the conservatives who don't join them. Rush Limbaugh is the liberals' latest scalp. They hate Rush not for what he did wrong — breaking the moral law — but for what he does right — defending it on air. Conservatives say love the sinner and hate the sin; liberals love the sin and often hate the sinner.

The Limbaugh episode throws light on liberalism's ongoing project to make conservatives cry uncle by twisting their arms. They don't care that Limbaugh stepped away from the moral law he defends. What disturbs them is that he may go back. Their purpose in catching him out is not to say, "Return to your standards," but to say, "Come over to our side and endorse our libertine laws."

To work themselves into a lather over hypocrisy, liberals have to suspend their commitment to relativism and invoke conservative moral philosophy.

They seek to build the city Aristotle described — a city that lives up to its standards by not having any.

♣ ♣ ♣

"We need to change our Party's image," said California Republican leaders, explaining their early enthusiasm for Arnold Schwarzenegger. They certainly got their wish. The face of the California Republican Party is now that of a Hollywood groper.

The *Los Angeles Times* report on Arnold Schwarzenegger's misadventures threw Republicans into a fit of anger. Not at Schwarzenegger, of course, but at the *Times.* But what did they expect? If you don't want tabloid news, don't run a tabloid candidate. And why did the country club Republicans who refused to believe the *Los Angeles Times* report about Schwarzenegger not similarly disbelieve the *Times* when it editorialized that a conservative Republican can't win in the state?

In the final days of the recall, many Republican leaders became exactly what they opposed during the Clinton years: excuse-making, shoot-the-messenger shills for a sexually-harrassing charmer. For the sake of one cheap win, Republicans did sophistical somersaults for a candidate whom they would have described as a sleazy Hollywood liber-

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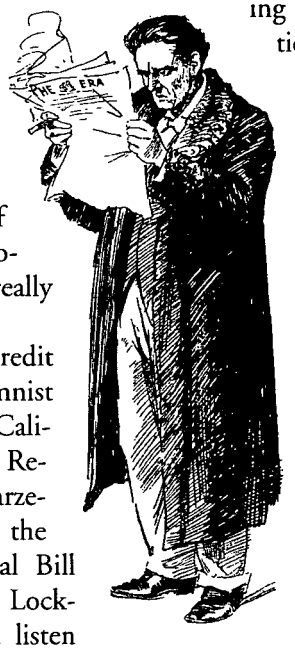
tine had a D. been after his name instead of an R.

The shilling for Schwarzenegger was Carvillian. Yes, the *Los Angeles Times* is biased; yes, the Democrats are hypocritical. Does it follow from that his 16 accusers (at last count) are lying? No. Even as Schwarzenegger clumsily conceded that groping took place, his apologists denied or downplayed the reports. This made *them* look dishonest, not his accusers.



On one television show, Schwarzenegger even promised that he would get to the bottom of his misdemeanors after he was elected governor. "I can get into all of the specifics and find out what is really going on," he said. "But right now I'm just really occupied with the campaign."

The *Times* should actually take some credit for Schwarzenegger's victory. Its columnist George Skelton has long counseled the California GOP to run a *de facto* Democrat. Republican leaders took his advice. Schwarzenegger is so Democrat in his views that the state's liberal Democrat Attorney General Bill Lockyer could vote for him. According to Lockyer, Schwarzenegger told him, "Bill, you listen to my heart not my Party." Lockyer added, "Now how can you not love somebody that feels that way about it?"

A Schwarzenegger governorship is a boon for the media. Politics used to be called show business for ugly people. Now it is show business for show business people. Suddenly media outlets are migrating to Sacramento. "No fewer than eight stations in Los Angeles, San Francisco, San Diego, and Fresno are making plans to set up shop at the Capitol, which hasn't seen such a prominent out-of-town TV presence since San Francisco's KRON pulled out in 1988."

There are reports that comedian Dennis Miller may run as a Republican against Barbara Boxer. In September's televised debate, the fatuous moderator informed the audience that "this is not Comedy Central." Perhaps California politics should be covered on it. Schwarzenegger's run began with Jay Leno, and ended with him (Leno emceed Schwarzenegger's victory party as George McGovern's running mate Sargent Shriver and other Kennedys stood behind him.) If Miller doesn't run, Republicans could always recruit Lockyer. CPR

Correspondence

(Continued from page 2)

that the sophisticated modern weapons and specialized "smart" munitions employed by our Armed Forces in Afghanistan and Iraq simply did not exist in World War II. To that extent, he is out of touch with reality. As for his admiration of President Bush's decision to "take casualties rather than bomb indiscriminately," that is something that he should address not to me but to the surviving families of these "casualties" whom he would thus casually sacrifice for the sake of minimizing enemy casualties. He might also have taken a moment to explain why American young men and women should join the military and stand in harm's way, when their lives are to be viewed as less important than those of the enemy population.

I too wish that things could have been different in the 1940s, particularly when I recall those dreadful times when German and Soviet bombs fell around me. But they weren't. And so I leave the ultimate judgment on the way World War II was waged to those who survived it in the cause of victory. In contrast, the brave, new post-World War II American war-making standards have resulted in hundreds of thousands of lost lives and maimed bodies in Korea, Vietnam, and the Middle East, with little to show for it by way of military victory as opposed to stalemate (Korea and Berlin) or outright defeat (Vietnam and Lebanon). It has now been two years since 9/11 but for all our military exploits in the Middle East, no crippling harm has been inflicted on Al Quaeda by our counterstrikes, thus making it possible if not likely that more horrors lie in wait for us, some of them — God forbid! — biological or nuclear.

Some verities are eternal. One of them is that war is hell, not heck as Dickson would evidently have it.

Finally, a point of personal privilege. With regard to the Soviets, all I did in my article was to note the historical fact that Stalin put pressure on the Allies to bomb Dresden, and they chose to appease him, not that I approved of him or his deeds. Having personally experienced persecution by the Soviets, I find Dickson's imputation to me of a desire to justify, no less, Stalin's crimes, to be offensive in the extreme. Have you no shame, Mr. Dickson? CPR

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Yes, Virginia, there is a MANDATE

Striking like lightning, the voters have ended the self-absorbed, left-wing, special interest politics of the Davis-era. Now what?

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Introduction by CPR Editor John Kurzweil

An article of unshakeable liberal faith states that the voters never really take sides against liberal ideas and policies. Almost immediately after October 7, contemplating the biggest political upheaval to hit California since Proposition 13, Senate Democrat Leader John Burton informed us that "Forty-eight percent of the vote is not a mandate ... I think he (Schwarzenegger) had a good, decisive victory. That and a quarter will get you a cup of coffee." Some numbers for Mr. Burton to consider along with his 48 percent:

Mr. Schwarzenegger ran in a race with no primary, so, consequently shared the ballot with 134 other candidates.

Mr. Schwarzenegger received 200,000 more votes than Davis did in 2002.

Mr. Schwarzenegger, who shared a landslide 62 percent victory with state Senator Tom McClintock, went to great lengths during the campaign to assure voters that there was virtually nothing to choose between him and the senator on the broad, critical issues of taxes, spending, regulation, and the overall foolishness of trusting big government to run our lives for us.

Nearly four and half million Californians (55.4 percent) voted to do something no other majority has supported in state history: dump a sitting governor.

Exit polls found Governor Gray Davis holding an approval rating below 25 percent, lower than Nixon's when he resigned, but still significantly ahead of the Legislature's 19 percent job approval rating recorded in a July Field poll.

Cruz Bustamante, running as an out-and-out liberal (tax increases, drivers licenses for illegals, and so on), received third party levels of support in many heavily-populated counties, failed to break 40 percent even in Democrat stronghold L.A. County, and lost everywhere but the loony-left Bay Area. This

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is a mandate. The voters want an end to incompetent, ideologically-frenzied, and pay-to-play government. It is true, most of them probably would not specify exactly what they would like to see in its place, and, indeed, they should not. That is the job of political leaders: to identify exactly what is wrong and how to fix it. But the clear mandate of the voters is to restore the *public* interest as state government's primary concern, which means putting the narrow personal, ideological, and spending lobby interests that dominated Sacramento under Davis back at least into second place. Borrowing a Heritage Foundation phrase employed at the outset of Reagan's Presidency: Californians have given the new governor a Mandate for Leadership.

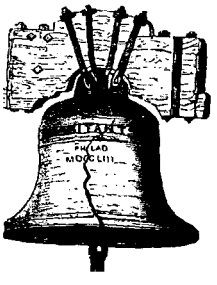
So, the question is not: is there a mandate? but, how should we serve it? Schwarzenegger outlined his broad conception of the state's problems and their solution in a September 24 *Wall Street Journal* article titled "My Economics." Writing that "the two people who have most profoundly impacted my thinking on economics are Milton Friedman and Adam Smith," he summarized what he learned from them as a "lesson every political leader should never forget: that when the heavy fist of government becomes too overbearing and intrusive, it stifles the unlimited wealth creation process of a free people operating under a free enterprise system." He then specifically promised (a) to "restructure our tax system" which he decried as "among the highest in the nation," (b) to champion a "good spending limit," (c) to "overhaul worker's comp" and generally to reduce business's regulatory burden, and (d) to de-centralize education.

This program is nothing more than a formula to achieve what voters said they wanted October 7: re-establishing the public interest ahead of politicians' interests by placing reasonable limits on spending and taxation, after five years' grossly irresponsible abuse of both, and saving jobs and the tax base by easing a regulatory regime that is driving business out and under, after five years of Democrats catering to special interest unions and trial lawyers at the public's expense.

The new administration, already, as we see, under pressure from the left to forget the mandate, deserves both moral support and the benefit of many minds working on the details of how to do this job well. The several articles that follow begin the discussion and debate, the comparison and contrast of ideas, that will flesh out the broad program the voters have demanded.

Because the new governor proclaims it his own inspiration, we begin with an excerpt showing the philosophical and logical foundation of the Schwarzenegger reform from Milton and Rose D. Friedman's landmark 1980 book, *Free to Choose.*

SCHWARZENEGGER'S MANDATE



FREE TO CHOOSE

By MILTON AND ROSE FRIEDMAN

This excerpt is taken from the authors' Introduction.

"Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficial. Men born to freedom are

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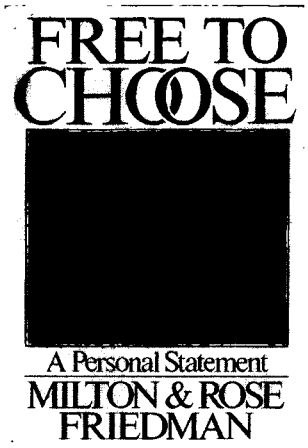
naturally alert to repel invasion of their liberty by evil-minded rulers. The greater dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

— Justice Louis Brandeis, *Olmstead v. United States,* 277 U.S. 479 (1928)



Free to Choose
Milton & Rose Friedman, Harcourt Inc., New York, N.Y., 1980, 338 pages

Adam] Smith and [Thomas] Jefferson had seen concentrated government power as a great danger to the ordinary man; they saw the protection of the citizens against the tyranny of government as the perpetual need. That was the aim of the Virginia Declaration of Rights (1776) and the United States Bill of Rights (1791); the purpose of the separation of powers in the U.S. Constitution; the moving force behind the changes in the British legal structure from the issuance of the Magna Carta in the thirteenth century to the end of the nineteenth century. To Smith and Jefferson, government's role was as an umpire, not a participant. Jefferson's ideal, as he expressed it in his first inaugural address (1801), was "[a] wise and frugal government, which shall leave them otherwise free to regulate their own pursuits of industry and improvement."

SUCCESS BREEDS COMPLAISANCE

Ironically, the very success of economic and political freedom reduced its appeal to later thinkers. The narrowly limited government of the late nineteenth century possessed little power that would enable good people to do good. And in an imperfect world there were still many evils. Indeed, the very progress of society made the residual evils seem all the more objectionable. As always, people took the favorable developments for granted. They forgot the danger to freedom from a strong government. Instead, they were attracted by the good that a stronger government could achieve — if only government power were in the "right" hands.

These ideas began to influence government policy in Great Britain by the beginning of the twentieth century. They gained increasing acceptance among intellectuals in the United States but had little effect on government policy until the Great Depression of the early 1930s. As we show in Chapter 3, the depression was produced by a failure of government in one area — money — where it had exercised authority ever since the beginning of the Republic. However, government's responsibility for the depression was not recognized — either then or now. Instead, the depression was widely interpreted as a failure of free market capitalism. That myth led the public to join the intellectuals in a changed view of the relative responsibilities of individuals and government. Emphasis on the responsibility of the individual for his own fate was replaced by emphasis on the individual as a pawn buffeted by forces beyond his control. The view that government's role is to serve as an umpire to prevent individuals from coercing one another was replaced by the view that government's role is to serve as a parent charged with the duty of coercing some to aid others.

These views have dominated developments in the United States during the past half-century. They have led to a growth in government at all levels, as well as to a transfer of power from local government and local control to central government and central control. The government has increasingly undertaken the task of taking from some to give to others in the name of security and equality. One government policy after another has been set up to "regulate" our "pursuit of industry and improvement," standing Jefferson's dictum on its head.

These developments have been produced by good intentions with a major assist from self-interest. Even the strongest supporters of the welfare and paternal state agree that the results have been disappointing. In the government sphere, as in the market, there seems to be an invisible hand, but it operates in precisely the opposite direction from Adam Smith's: an individual who intends only to serve the public interest by fostering government intervention is "led by an invisible hand to promote" private interests, "which was no part of his intention." That conclusion is driven home again and again as we examine, in the chapters that follow, the several areas in which government power has been exercised — whether to achieve security (Chapters 4) or equality (Chapters 5), to promote education (Chapters 6), to protect the

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consumer (Chapters 7) or the worker (Chapters 8), or to avoid inflation and promote employment (Chapters 9) ....

We have not yet reached the point of no return. We are still free as a people to choose whether we shall continue speeding down the "road to serfdom," as Friedrich Hayek entitled his profound and influential book, or whether we shall set tighter limits on government and rely more heavily on voluntary cooperation among free individuals to achieve our several objectives. Will our golden age come to an end in a relapse into the tyranny and misery that has always been, and remains today, the state of most of mankind? Or shall we have the wisdom, the foresight, and the courage to change our course, to learn from experience, and to benefit from a "rebirth of freedom"?

If we are to make that choice wisely, we must understand the fundamental principles of our system, both the economic principles of Adam Smith, which explain how it is that a complex, organized smoothly running system can develop and flourish without central direction, how coordination can be achieved without coercion (Chapter 1); and the political principles expressed by Thomas Jefferson (Chapter 5). We must understand why it is that attempts to replace cooperation by central direction are capable of doing so much harm (Chapter 2). We must understand also the intimate connection between political freedom and economic freedom.

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SCHWARZENEGGER'S MANDATE

Working with the Legislature gets the hype, but is only one-third of the governor's job. First, his administration must be effective and dedicated to implemeting his program. Second, when the Legislature balks, he must go to the people.

How-To Manual

PETER HANNAFORD — CLEARING THE MINEFIELD

It looks like a minefield ahead for Governor-elect Schwarzenegger. On the day he is inaugurated he will inherit a budget deficit of $8 billion-plus. In January, the moment he presents his budget for the next fiscal year, his critics will pick it apart with tweezers. They will insist that whatever he proposes to do to get the state's economy back on its feet simply can't be done. Then there is the ever-present possibility that Davis holdovers in state government will quietly thwart his efforts to economize.

Peter Hannaford is a member of the Schwarzenegger Transition Committee. His latest book is Ronald Reagan and His Ranch: The Western White House, 1981-89.

Arnold Schwarzenegger's life story is that of a determined man, and determination is a major ingredient of political leadership. He can clear the minefield, but he must move quickly. Here are some — but not all — of the things he should do right away:

- Set the tone at the Inaugural. Invite a lot of friends and supporters — all shapes, sizes, colors, and dispositions — but keep the event simple, straightforward, and inexpensive. A simple public ceremony with a short speech, specific as to early actions, followed by a simple reception. Considering the state the State is in, no fancy ball and no lobbyist-laden pre-Inaugural fund-raising parties;
- Replacing Davis's appointees. Your process of vetting personnel appointments is a good one and it is working, but it won't be possible to replace all of

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Gray Davis's "pleasure" appointees (that is, those who serve at the pleasure of the governor and not for fixed terms) prior to inauguration day. From those that remain, consider asking for undated letters of resignation; then use these to accept individual resignations as quickly as replacements can be made;

• Activate a real hiring freeze. Davis announced one with fanfare months ago, then proceeded to hire an average of 2,700 new employees a month. Make a real freeze effective from Day One, shrinking the state work force by attrition and leaving open slots unfilled;

• You have a mandate; make it plain every day. The Schwarzenegger vote exceeded the recall "no" vote (the Davis vote) and McClintock's vote, combined with yours, meant that the Republican vote exceeded 62 percent, including large percentages of women, Hispanic, and black voters. That is a mandate for change, as you have said. Find ways to say it, one way or another, every date. The people voted against business as usual in Sacramento. Remind them that the Legislature must change if it is to be on the side of the people, as you are.

• Use the bully pulpit. Years ago, when Governor Ronald Reagan wanted to announce sweeping welfare reform proposals, the Legislature, controlled by the Democrats, refused to let him address a joint session. So, he went up and down the state giving speeches to spell out the plan. After awhile, the Speaker of the Assembly came to his office and said, "Stop those cards and letters, let's negotiate," and the two of them did. They hammered out a wide-ranging welfare reform program that passed. As Reagan said later, "If I can get 70 percent of what I want from a hostile Legislature, which I did in this case, I'll take it and come back next year for more." You have already shown that you can effectively go over message "filters" and speak directly to the people. You can make it work, when it comes to policy and legislative programs, just as Reagan did. If the Legislature balks at sensible cost-saving reforms, threaten vetoes and take your case to the people. They're on your side.

GREGORY SANFORD — BE GOVERNOR

A lot can be done without going to lawmakers or voters.

As California governor and as U.S. president, the most important thing Ronald Reagan did was reintroduce the people as players in the insiders' political games in Sacramento and Washington. It would also be the most important thing Arnold Schwarzenegger could do. And he is positioned to do it. The questions are: Will he try? and How should he go about it?

The first question is key. Not only does the second depend on the first being answered yes, but answering the first yes is the first and most important step to bringing the people into the game. Just showing a sustained determination to represent Californians up and down the state will do more than any other single thing to force an opening of the too often self-absorbed clique that has run the state for so long. The new governor can employ in this cause the considerable heft that comes with his dramatic election and the sense of upheaval and new possibilities it has created, his celebrity, his powerful personality, and the rare, intense, and, let us hope, *not* fleeting spotlight of public attention it all has brought to Sacramento.

If Governor Schwarzenegger is determined to represent the people, then here are a few suggestions on how he might go about doing so:

Talk in private the same way as in public. The political class dislikes even public pronouncements that recognize any interests beyond its own, but, when hearing them seems inescapable, it falls back on the assumption that they carry no weight, that they are "for public consumption" and will be forgotten behind closed doors. Governor Schwarzenegger can send a powerful message, one likely to stagger his listeners until they get used to it, simply by reiterating in private as well as in public that business as usual is over.

Act quickly and decisively where action does not require legislative or voter confirmation. Keep the pledge to rescind the tripling of the car tax "with a stroke of the pen." Instruct the lawyers to stipulate that the Davis Administration energy contracts were negotiated under a conflict of interest and are therefore void. These actions, and others like them, will save the private economy large amounts of money, fueling the economic recovery upon which everything depends. Use aggressively the discretionary authority this year's budget and budget trailer bills (AB 1765, sec. 27, and AB 1756, sec. 56) give the governor to control considerable portions of state agencies' budgets. This will show you mean business and will begin to bring spending under control, which will reassure your supporters, solidify your political mandate, and further stimulate the economy. Aggressive use of these budget law provisions, and the vast array of administrative levers governors control or heavily influence, can tame, and reverse, the Davis-

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era spirit of ever-growing numbers of state employees and of routine cost overruns in everything the state does, all in the context of a culture of endless clamoring to burn through more taxpayer dollars, often without any real justification beyond the ingrained bureaucratic imperative that more is always better.

Set a new tone: *less* is better, efficiency is good, and success comes when the state gives money *back* to taxpayers saying, see: we did our jobs for less than you gave us. Why is that good? Because it is *their* money, not government's; because it restores the tax base, without which government can do nothing, and, above all, because it affirms the proper relationship between the people and the state: government exists for public service, not bureaucratic gorging.

Overall, repeat this theme at every opportunity to sustain the public's accurate perception that the battle is between responsible stewardship of its resources and out-of-control special interest politics and that the battle's outcome will decide whether we restore prosperity and a state that works or succumb to a falling standard of living driven by bloated, dysfunctional government. A major help, by the way, in thus framing the issue will be Tom McClintock's Bureaucracy Realignment and Closure Commission, which the state Senate recently voted to create (36 to 0) and which the Assembly is expected to approve as well.

Aggressive use of the governor's office will set the stage for the tough battles within the Legislature and before the voters over changes in law — and, ultimately, the changes in office holders and control of the Legislature — that the governor cannot make on his own.

GEORGE M. PASSANTINO ON TO THE LEGISLATURE

Critical changes to take to lawmakers, or the people.

A scene in the blockbuster movie *Spiderman* is eerily similar to one now playing out in Sacramento. In the movie, Spiderman's enemy, the Green Goblin, dangles Peter Parker's true love off a bridge. In his other hand, he dangles a cable car full of children. Suggesting that Spiderman cannot save both, he demands that the hero choose which he will let die.

In essence, this is what some advocates for tax hikes are seeking to do to Governor-elect Schwarzenegger. Either break your pledge not to raise taxes or break your pledge to protect quality of life priorities. "We've already done all the easy stuff," they argue. "Taxes are the only option. Choose." These critics almost seem elated that state finances are so bad. But this ploy need not work. The Terminator can pull a Spiderman-style rescue and balance the budget without raising taxes or gutting vital services. Here's how.

Earlier this year, Reason Foundation co-published a comprehensive analysis of state spending called the Citizens' Budget, which demonstrated how California could protect quality of life priorities without having to undermine the state's vulnerable economy with new taxes. As it ended up, Sacramento disregarded most of the recommendations and went on a borrowing spree that is now in legal jeopardy. Many experts believe that the courts may strike down $13 billion in borrowing for violating constitutional requirements that it receive a vote of the people and that the bonds not be used to finance ongoing spending (as opposed to particular infrastructure projects, such as building schools or freeways). Hence, what once appeared to be an $8 billion hole for the new governor to fill next summer could quickly grow to more than $20 billion.

With fiscal crisis as his justification, Schwarzenegger should press forward with an ambitious reform agenda designed to solve the state's spending problems once and for all. Here are a few of the key opportunities.

PERFORMANCE-BASED REDUCTIONS

The Citizens' Budget (which can be read at: *http://www.rppi.org/cacitizensbudget.html)* identified more than $6 billion in savings in programs with poor performance records, questionable efficiency, or that simply are not priorities — many of the suggestions for reductions coming from the government's own watchdog agencies such as the Legislative Analysts Office. While a few of the recommendations were adopted, most were not. Instead, lawmakers relied upon gimmicks (for instance, counting the steep car tax hike as a spending "cut") to deal with the record $30-plus billion deficit. In its budget post-mortem, the Legislative Analysts Office pointed out that the spending plan, if you eliminate the gimmicks, did not reduce real spending levels. Some tough love.

It is encouraging that Governor-elect Schwarzenegger's budget guru, Donna Arduin, is conducting a comprehensive audit of state spending. She should dust off the reports from Reason, the Legislative Analysts Office, and the Little Hoover Commission that identify billions of dollars in poor performing programs.

COMPETITION

Public services should be subject to regular competi-

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tion between government providers, nonprofits, and private businesses. If a state worker mows the grass in front of a state building, we should find out if a local landscaping company can provide the service at a lower cost. Every time we go to the department store we see how competition improves quality and reduces costs — we call it shopping around. Importantly, research shows that the state can save on average 30 percent by shopping around. Even when public agencies win these competitions, as they often do, the taxpayer still saves. The Citizens' Budget identified nearly $9 billion in savings available through this sort of competition.

The Citizens' Budget identified $6 billion in savings in programs with poor performance records, questionable efficiency, or that simply are not priorities.

RENEGOTIATE LABOR CONTRACTS

This year's budget called for $1.1 billion in personnel savings by contract renegotiations or lay offs. This should be doable — even Mayors Jerry Brown and Willie Brown managed to renegotiate labor contracts to conform to tougher economic times. If they can do it, so can the state. But somehow, Governor Davis achieved little in renegotiations with unions. Governor-elect Schwarzenegger should be sure that the savings targets are met. Fortunately, he has pledged to do this in his "100-day Plan." The $1.1 billion savings, by the way, is mandated by law: if it doesn't come through renegotiation, it will have to be achieved through layoffs.

REORGANIZE STATE GOVERNMENT

California has two environment agencies, the Environmental Protection Agency and the Resources Agency. We also have two tax collecting bodies, the Franchise Tax Board and the Board of Equalization. We can save almost $900 million simply by reorganizing state government and reducing duplicate, overlapping, or unneeded services such as these. By combining similar departments and programs such as the EPA with the Resources Agency, the taxpayers save on overhead costs and service levels improve through a refocused mission that is strategy-based.

SHIFT TO A TWO-YEAR BUDGET

Twenty-three states utilize a two-year budget and it makes sense for California to join them. Under a two-year budget, the Legislature should devote the first year of session to producing the budget and conducting thorough reviews of state spending. Dramatic reforms to state programs take time — often more than a year — and a two-year budget allows enough time for reforms to occur and savings to be achieved, encouraging budget writers to consider reform as a way to save money. Finally, a two-year budget significantly reduces the pain of reforming state government by spreading reductions over two years. Concerns that two-year budgeting would lead to even more reliance on wildly inaccurate revenue projections can be addressed by incorporating "triggers" into the budget, pulled if actual revenues fall short of projections, that would force overall state spending to ratchet down automatically. This would require a constitutional change and should be presented to the public as soon as possible.

Of course, some will say that these ideas will never get through the Legislature. Many of those skeptics probably also suggested that the recall would never qualify or pass. Yes, Sacramento presents some very real political challenges. I remain optimistic, however, because the problem is so significant and because few legitimate options are available that don't include fundamental reform. Moreover, Schwarzenegger can connect with the public unlike others before him. If Schwarzenegger uses his Olympian appeal to go straight to the people, many seemingly politically impossible ideas will become realistic.

Like Spiderman, Schwarzenegger does not need to choose between two disastrous outcomes. We can balance the budget without raising taxes or gutting quality of life. The Green Goblins in Sacramento can be foiled.

BILL LEONARD — FIVE THINGS SCHWARZENEGGER CAN DO

One: Tell California how big the deficit really is. The first thing to do is to reject the current Davis budget because it relies on cuts that were never implemented and on new revenue that will never show up. The outgoing governor never truthfully laid bare the real size of the deficit. Governor Arnold Schwarzenegger should make clear the full size of the gap between what we are spending and what we are taking in so the public fully understands the extent of the

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problem Davis left us. In addition, this true gap should be calculated using revenue projections that are in line with a moderately improving economy, not Davis's imagined economic miracle.

TWO: SELL GOVERNMENT ASSETS

To replace the bad idea of debt, or increasing debt, we should instead look at selling assets. The state owns thousands of acres of land it is not using. The full list of surplus properties should be reviewed. Surplus land that might have value as open-space or wildlife habitat might find buyers willing to accept a conservation easement as a precondition for the sale. The governor could look at properties like student housing on the UC and CSU campuses that could easily be sold to private property management entities. These sales could offset some of the current deficit while cuts are being identified.

THREE: ELIMINATE VACANT POSITIONS AND STOP HIRING.

Davis's 2001 hiring freeze did not keep the state from adding more employees until quite recently. Davis's version of a hiring freeze was loaded with exemptions. Somewhere around 30 percent of state employees work for the UC and CSU systems — these are responsible for much of the growth. In addition, the Department of Finance had authority to look at exemption requests for all other departments and these were granted too liberally. The new Governor should not grant exemptions except for very special circumstances where all other options fail.

FOUR: ENACT CONSTITUTIONAL FISCAL REFORMS.

Many of these reforms have been discussed in other essays in this section. I would add my vote for a new Constitutional spending limit. I particularly like the idea of indexing spending to no more than inflation and population growth. In negotiating with the Legislature, if the majority decides to obstruct his efforts to balance the budget, Schwarzenegger might generate greater cooperation by threatening a Constitutional ballot measure to return to a part-time Legislature.

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FIVE: USE A TRIMMER TO FULFILL DAVIS'S PROMISES. USE AN AXE FOR THE REST.

An August letter from outgoing Director of Finance Steve Peace announced that the 2003 Budget Act requires his department to reduce spending by at least $1.1 billion and 16,000 positions. But the letter was rescinded shortly thereafter with an announcement that major layoffs would not occur until after the October election. This has deprived agencies flexibility in finding ways to save. Now, as we approach the current fiscal year's halfway point, these delayed cuts — booked in the current budget — have not been fully realized. Governor Schwarzenegger will have to accelerate them, though it is difficult to see how this can be done in agencies where personnel budgets are a small sliver of the spending for which the agencies are legally responsible. It is almost certainly too late to accomplish fully the layoffs the current budget mandates, but the governor-elect should start doing what he can immediately.

Schwarzenegger might generate greater cooperation by threatening a Constitutional ballot measure to return to a part-time Legislature.

Even if the entire deficit could be eliminated by trimming, it would still be wise to eliminate less useful state programs. But, in fact, California government has grown to such gargantuan excess that our economy can no longer support it. This means Governor Schwarzenegger will *have* to look beyond trimming to the elimination of entire categories of state spending. That alone will achieve the multi-billion dollar correction that truly balancing the budget will require. The magnitude of the deficit makes such reductions more politically feasible than ever before.

The spending lobbies want us to believe nothing remains to be cut except vital, politically-sacrosanct state services. But the governor will find ample resources available that make the case for programmatic cuts with lots of specific suggestions. The Reason Foundation, the Claremont Institute, the Auditor General, and the Legislative Analyst all have cut lists available.

Governor Deukmejian's former Chief of Staff Steve Merksamer remarked that a governor has about one year before his appointees are captured by the bureaucracy and start fighting their own governor. Governor Schwarzenegger should remember this, appointing department heads who will question every dollar and every spending program. Each should be tasked with reducing permanently the size of their department.

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On New Year's Day, many of us talk optimistically about losing weight, exercising more, stopping smoking, lots of good things. But by Valentine's Day, most of us have given up hope. We thought we could change a little and keep the rest of our lives the same. Those who succeed in their resolutions practice new, healthier habits, changing their lives to accommodate their desired goals. In the same way, to escape its budgetary morass, California government will have to acquire permanent new habits, leaving behind once and for all the unhealthy binge-and-purge ways of the past.

FRED JONES CLEAN UP TRIBAL POLITICS AND POLICIES

Having received more raw votes than Governor Gray Davis did in November 2002, and more votes than No on the recall, Governnor-elect Arnold Schwarzenegger enters office with impressive political momentum and an overwhelming mandate for change ... but a change from what to what?

Arnold's populist victory clearly marks the end of Davis's "pay-to-play" policies that have led our state into fiscal insolvency. The Governator also enjoys the strong support of small businesses, the backbone of our state's economy, who are strapped with spiking workers' compensation rates, outrageous automobile taxes, and unparalleled electricity bills. But last month's election also exposed the public's growing frustration with the disproportionate influence of the newest and most powerful special interest group in California, tribal casinos.

The Indians overplayed their hand last month, contributing $11 million of the overall $80 million spent during the entire recall election. When they realized they couldn't save Governor Davis — who abdicated all state oversight to the tribes — the casinos attempted to co-opt his successor. Although the public may not have been fully aware that the vast majority of this money came from seven gambling tribes with an aggregate total of about 2,000 members, California voters understood that tribal casino influence had become the ultimate narrow, special interest.

Capitol insiders agrees that in the "Third House" — Sacramento's lobying community — tribal casinos rule. Tribes have suffered only one public policy defeat since Davis took office, losing on close Assembly votes this session and in past years on a John Burton measure that was such an over-the-top power grab that even their most ardent supporters blush at its mention. Put in its simplest form, Burton's measure would have given Native Americans veto power over most public and private development projects throughout the state, under the guise of protecting any and all tribal sacred sites. The rub was that under this bill, tribal councils would be the sole judges deciding what constitutes a sacred site. Once so designated, the tribe would have absolute power over any development project within a five-mile radius.

During the recall campaign, Governor-elect Schwarzenegger grabbed what had been considered a political third rail, openly criticizing tribal money and influence. He is now, therefore, in a position to restore some balance in Indian gaming interests' influence in Sacramento. He should follow the responsible lead of former Governor Pete Wilson who painstakingly deliberated with reasonable tribes in drafting gambling agreements that required Native Americans to seek the support of impacted communities.

Wilson's mid-1990s "Pala Compacts" stood in stark contrast to the Davis-negotiated agreements reached under the March 2000 Primary election's Prop 1A that permitted so-called "house-banked" gambling (in which customers play against the house — slot machines or black jack, for instance). This opened the flood-gates, inducing Las Vegas gambling interests to invest heavily in and make possible the large-scale casinos which California had largely kept out since the state was founded in 1850. Sixty Nevada-styled casinos have sprouted-up since, with 30 more waiting to be built in a neighborhood near you.

One may argue whether Indian gambling has delivered on its promise of alleviating Native American poverty without negatively affecting California communities. But it is indisputable that these economic monopolies have fostered a new level of political bullying.

Luckily for those concerned about the rise of unregulated casinos, voters emphatically rejected the tribes' hand-picked candidate in the recall. The new governor has the stature and mandate to hold tribal gambling interests to the same standards all businesses must meet. He can renegotiate the Davis deals. Congress has given all governors authority to veto off-reservation tribal casino proposals and to require the Indians to respond to the concerns of community officials and citizens. Schwarzenegger should use that authority. Anything less would waste his political capital. It would be a failure to govern responsibly.

Fred Jones, a 10-year veteran legislative staffer, is an attorney practicing in the Sacramento area (civil litigation and lobbying). He represents several citizens' organizations concerned about the rise of tribal casino influence in the Capitol and in state and federal courts.

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Puke politics at the L.A. *Times*

by William E. Saracino

Lock-step conformity of opinion, cooked-over polling, political hit pieces served up as reporting — the west's largest newspaper finishes the recall looking small, mean, and bumbling.

Shortly after the recall qualified for the ballot Attorney General Bill Lockyer warned fellow Democrat Gray Davis against practicing "puke politics" — negative, personal, attack politics. The governor, of course, remained true to form and wallowed in his trademark attack and slash campaign mode during the last 10 days or so before October 7, as it became clear the voters were going to repudiate him. In retrospect, though, it is clear that Lockyer really should have aimed his warning at the *Los Angeles Times*, for it is the *Times* that set new lows for fairness, objectivity, and professionalism during the recall campaign. The *Times* gave us the true puke politics.

The Background

It's been clear for years that "balance" at the *Times* means unbroken, unchallenged liberal hegemony in all sections of the paper, stretching from its editorial pages to its op-ed columns, to include all its regular columnists, its entertainment section, and even its comics and sports pages. The *Times* fumes mightily about "diversity": in schools, businesses, professional and collegiate sports management — in just about every aspect of society. But diversity of political thought and opinion inside the *Times* is non-existent, and its absense, at least at the *Times*, goes without comment.

There are no conservatives on the *Times* editorial board. Even the *San Francisco Chronicle* allows the bright, eloquent, conservative columnist Debra Saunders access to their inner

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sanctum. There are no conservatives among the *Times*' regular op-ed columnists. There are no conservatives among the *Times*' local political columnists.

A newspaper disdaining balance as thoroughly as this can hardly surprise anyone when it goes in for hatchet jobs in dealing with subjects it loathes at stratispheric levels, such as the recall and any Republican candidate with the affrontery to emerge as most likely to replace Davis. Performing as expected, the paper behaved as a sock puppet of the anti-recall, anti-Schwarzenegger camp, happily repeating every Democrat spin *du jour* that came along.

A newspaper disdaining balance as thoroughly as this can hardly surprise anyone when it goes in for hatchet jobs.

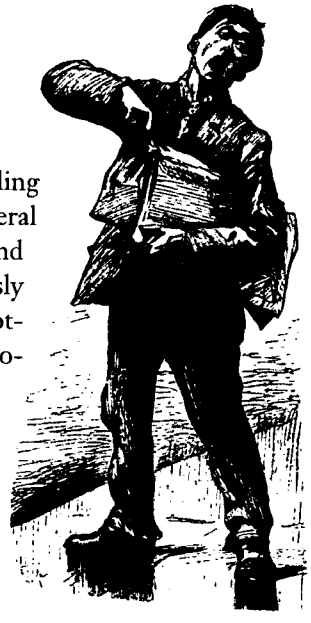
The columnists

Times' columnists George Skelton, Patti Morrison, and Steve Lopez are predictably liberal and supercilious. So, when the *Times* announced, shortly after the recall qualified for the ballot, that a fourth columnist — Peter King — would be added to write specifically on the upcoming election, some of us foolishly thought the idea was to bring a different viewpoint, even if only in nuance. We were wrong. King's postings were indistinguishable in tone and content from the others. The *Times* gave us four columnists who thought and wrote in lockstep, uniformly dismissive of the recall, contemptuous of its supporters, protective to the point of coddling Gray Davis and Cruz Bustamante, and vicious toward Schwarzenegger once he became GOP front runner. Would a *Times* editor ever think of calling, say, Hugh Hewitt, or Arnie Steinberg, or John Kurzweil, or Jill Stewart, or Larry Elder, or Roger Hedgecock — anyone who might bring a hint of variation, if not to be fair, at least to break up the monotony? Would one recall supporter to three opponents have been so dangerous? Evidently, in the opinion of the *Times*, the answer is yes.

The Survey

In late August the paper published one of its polls that at first caused alarm, and eventually great mirth, among recall supporters. The *Times*' survey was wildly inconsistent with both a Field Poll and a Public Policy Institute of California poll taken just a week earlier. Both Field and PPIC showed the recall winning by about 20 percent, with Schwarzenegger and Bustamante tied in the candidate portion. The *Times*' survey showed the recall ahead only 50 to 45 percent and "losing steam," as the accompanying front page article breathlessly pointed out. It showed Bustamante with a 35 to 22 percent lead over Schwarzenegger.

The numbers were so out of whack that Susan Pinkus, director of the *Times* poll, took the unusual step of defending the numbers in a front page sidebar to the survey itself. Her comments are revealing, perhaps more so then she realized. In explaining the sudden drop in support for the recall, Pinkus wrote that "the dust has settled" following the excitement of the recall qualifying for the ballot, and that voters now may be behaving "in a more *pragmatic*, *realistic*, and *serious* manner." *(emphasis added)* These are not the words of an unbiased public opinion researcher.



The *Times* poll was so unrealistic that the Field Organization took the unprecedented step of publicly criticizing its sampling methods, pointing out several errors. Most obvious and damaging, the *Times* grossly over-sampled Democrat voters. And not just any Democrat voters: black Democrats, who happened to hold the strongest "no on recall" sentiments of any voter group.

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Was this innocent error or purposeful "cooking" of the numbers? An old saying in the political game says "there are no coincidences in politics." That saying is almost always true. Pinkus's writing that anti-recall voters are more "pragmatic, realistic, and serious" then are pro-recall voters certainly tends to support the conclusion that this poll was a product of intentional malfeasance. The survey numbers guaranteed it being a statewide and even national story for several days, no doubt pleasing the editors. But the story quickly turned around on them as their methods and results were first scrutinized, then derided. Were *Times* staff members merely incompetent, or did they rig the survey on purpose to achieve a preordained result? I'll let the paper's editors figure that out. But either way, the public now knows it can't trust *Times* polling.

Dirty Tricks Thursday

Political professionals call Thursday before election day "dirty tricks Thursday." Last minute smears and attacks on an opponent launched that day tend, first, to receive maximum coverage in the weekend media, and, second, to leave the opponent minimal time to respond or maneuver. And it was on Dirty Tricks Thursday that the *Times* ran its "gropegate" hit piece. Much has already been written about the suspect timing, sources, and partisan nature of this story. And with any luck — for California, not the *Times* — much more will be written about it in the future. To review the most pertinent points:

Timing: Times Editor John Carroll says the story ran "the instant" it was ready. Though four reporters were listed as writers, the *Times* devoted many more assets then that to the story. Carroll says it resulted from seven weeks' work, and simply wasn't ready before dirty tricks Thursday (another coincidence). Anyone who has worked in journalism knows that pieces are done when editors say they are. Reporters are used to working on deadlines. Had he wanted to avoid misunderstanding and possible embarrassment for the paper, Carroll could easily have set a "drop dead" date a week before the election, when the story would have either to be finished adequately or spiked. Good reporters meet deadlines. Was there no way that at least a partial, preliminary report of some kind could have been put together? Or must we assume that the evidence was insufficient to justify so much as a hint earlier, but then everything came together for a full exposé the afternoon of Wednesday, October 1? Former *Times* reporter Jill Stewart wrote that more than one source at the *Times* has told her the piece was finished two weeks before election day. Carroll strongly denies this, but why would *Times* employees lie about this?

The Davis double standard: A Jill Stewart piece published in *L.A. Weekly* in 1997 detailed Gray Davis's history of emotional and, in some cases, physical abuse of his staff. She referenced one female staff member who ended up in the hospital after a Davis outburst. This employee subsequently was allowed to work from home for an extended period, and when she did return to the office it was only with the stipulation that she would never have to be in the same room alone with Davis. This woman was not the only Davis employee with tales of abuse from the then-lieutenant governor.

The Times poll was so unrealistic that the Field Organization took the unprecedented step of publicly criticizing its sampling methods.

Stewart wrote that she "crossed paths" with *Times* reporters working on the same story, but that no report appeared in the paper. Asking why, Stewart was at the time told that all the sources for the story were anonymous, and that the *Times* "doesn't publish attack pieces on major public figures based on anonymous sources." Only two of the original Schwarzenegger accusers in the *Times* story were named, all the rest

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Busy Signals

We're sorry, the lobbyist you've called is not in service at this time ...

Robert L. Giovati

Suppose they held a key legislative hearing at the state Capitol and nobody came? Or, worse, suppose they held a key legislative hearing at the state Capitol and *lots* of people came, but almost all those attending were either professional liberal lobbyists or smoothly performing representatives of the downtrodden folks these lefties say they represent. Suppose few pro-business lobbyists even bothered to send a formal letter favoring or opposing the legislation before the committee, even fewer showed up at the hearing, and fewer still actually testified — and that this pattern, far from being unusual, was actually quite routine. Now, finally, suppose the hearing was held to consider legislation certain to produce a powerful impact, for good or ill, upon *your* industry or *your* cause or issue. All this benign neglect of *your* interests occurred *not* for lack of professional advocates lined up to represent those interests, but rather despite the retention by your industry association or issue organization of a full, normal complement of professional advocates receiving full, normal pay precisely to look out for you and others like you in Sacramento.

Now, it is true, compared to many others in the lobbying profession, I still have much to learn about legislation — how it is created and how it grows, lives, and dies. Many Sacramento lobbyists have forgotten more about politics than I'll ever know. They can justifiably boast of extensive contacts, institutional knowledge, and successful track records. I admire and commend them. But for all that, it remains true that many times, far too many times I would say, my organization has appeared at committee meetings dealing with legislation of real, substantial importance to virtually all California industries and demographics, and found itself part of no more than a relative handful of lobbyists and organizations pressing our side of the argument. This strange case of amazingly invisible conservative advocacy does not begin with committee meetings. Conservative players are also AWOL during the planning sessions, industry gatherings, and business receptions and seminars where coherent, coordinated strategy ought to be laid out, but too often

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The recall has opened possibilities for change sealed tight for five years, but they will remain mere possibilities unless followed up with a concerted effort at governing.

isn't, because too few members of the team are present.

No more company town

To be sure, lobbying isn't everything, and isn't even the most important thing in politics. Ultimately, election outcomes determine the state's overall political direction: *who* sits in those seats is far more important than what they do or do not hear once seated. But although winning offices is first, not even that, by itself, is sufficient. The stunning recall of Gray Davis and his replacement with Arnold Schwarzenegger has certainly opened many possibilities for constructive change that have been sealed tight for five years, but they will remain mere possibilities unless followed up with a concerted effort at *governing*. Liberals remain in control of the Legislature, though their control has been undermined. Ordinary Californians have seen that they can influence events dramatically in what was quite recently little more than a company town of the left and its voracious special interests. But these folks did not obtain and hold so much power over so many of us for so long and for such anti-social ends by meekly retreating before challenges to that power. They live and thrive off the productive efforts of others. The prospect of real change in Sacramento threatens their livelihoods and they will oppose such a threat as tenaciously as would anyone else. But failing to win change threatens the livelihoods of many more people — people who, putting it mildly, hold the better claim to the prize at stake in this contest.

Given this new opportunity, the time seems right for an examination of the lobbying done on behalf of the state's productive citizens (and any liberals inclined to tut-tut such complementary characterizations of business owners and those they employ can just cork it: your habitual appropriation of virtue to yourselves in your officious self-descriptions — all that tender compassion, all that stunning selflessness in spending our money, all that awe-inspiring enlightenment in running our lives — has more than opened the door, so let us all walk on through accordingly).

I propose to look at this lobbying to see what is going right, and what's wrong, approaching the subject, admittedly, with some trepidation. I know some of my colleagues will be less than thrilled to read it. "Who is this guy?" they might ask. "Where does he get off criticizing other lobbyists?" But as my wife rightly pointed out to me as I wrote this, the people angered by my comments in all probability are those falling short of the mark, and therefore seeing a bit too much of themselves in my analysis. My guess is they know who they are. To those hard-working lobbyists with whom I've rubbed elbows repeatedly, and who've informally mentored me since that daunting, confusing first day I began doing legislative work, freely sharing their wealth of knowledge, I extend my heartfelt thanks. I've benefited immensely from your experience and generosity. I hope you know who *you* are.

To be sure, much of the really potent lobbying in Sacramento goes on behind closed doors and in unconventional ways. And it's true that two lobbyists can work at the Capitol for years and never run into each other because they're following totally different issues or industries. But what about those broad legislative topics that affect virtually everybody? The barrage of bean balls conservatives face whenever they step into the legislative batter's box indicates that, for all the individual battles that may be won in this or that closed-door session, we still are losing the war. Business needs many more batters on its team stepping up to make a *public* showing.

Take workers' compensation insurance: It took long enough, but now it seems that news outlets throughout California are finally covering this crisis, and make no mistake, it is a crisis. The Golden State saddles its businesses with rates near the highest paid anywhere in the nation while benefits rank nationally near the bottom. Operating costs have gone through the ceiling. Jobs continue to evaporate as companies are forced to cut payroll, leave the state, or go out of business entirely.

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But when various workers' comp reform bills, most of them authored by Republicans, began moving through the Legislature earlier this year — bills one would naturally think almost every industry, trade group, merchant coalition, and business organization that could weigh in would ardently support — the kind of outpouring of business community support necessary to give the reforms any real chance of prevailing simply failed to appear. Lawmakers *did* see a considerably larger than usual show of interest in this topic (especially, in grassroots fashion, from individual small business owners). But given its monumental importance, the vast resources the business community could have mobilized had it really tried, and, finally, the far short of adequate workers' comp reform package that eventually emerged, it is safe to say the effort to support businesses' own interests by its own advocates put forward in this instance was not only woefully inadequate, but inexcusably so.

For example, AB 431, by Assemblyman Dennis Mountjoy (R-Monrovia) was scheduled for hearing before the Assembly Committee on Insurance last April 30. Happily, the committee analysis listed a larger than usual number of groups and individuals — more than one hundred — as supporters or supporters "in concept" (hats off to them by the way). But I recall only about 15 to 20 of those folks actually standing up and testifying in favor of the proposed legislation, a show of support nearly equaled by those testifying against.

Mountjoy's bill was a common sense proposal to make sure that claims for benefits are, in fact, legitimate before they're paid. It should have been a no-brainer for the entire business community to jump on board. Mountjoy is a good friend of business who is not afraid to speak his mind. As a result, he takes more than his share of not-so-good-natured ribbing from the Dems across the aisle. But neither gratitude to Mountjoy nor business's obvious interest in seeing the bill succeed (or in at least making its supporters feel the pain they caused by defeating it) evidently struck business or its legislative advocates as sufficient to justify any really serious mobilization in its behalf. The bill, predictably, went nowhere with the committee.

The left takes its bedrock issues more seriously, outgunning its opposition on this year's SB 2 (forcing every large employer to buy health insurance for most employees) by a margin of at least two to one, as I recall it, at the bill's first hearing before the Senate Committee on Insurance. (The bill analysis for that hearing, dated April 29, listed about 80 groups and individuals in support with about 40 opposed.)

A proud moment

Actually, judged by the number of organizations at least sending a formal letter of support, Mountjoy's bill was one of our prouder moments. The business lobbyist vanishing act typically gets much worse when the focus is not on a hot-button topic like workers' comp. Back when I began my stint as a pro-market advocate, I thought it wise just to sit in and observe what went on in the Legislature, the ebb and flow of lawmaking. Fortuitously, my very first week I visited the Assembly Labor and Employment Committee, a place I've concluded is heaven on earth for any pro-labor bill, and a toasty corner of legislative hell for any pro-business legislation with the extreme misfortune of ending up there. I hadn't been watching that day's verbal exchange long when I noticed that the same two conservative lobbyists seemed to be facing down about 10 or so labor representatives on nearly every dubious bill being heard. They weren't the only pro-business lobbyists getting up to speak, but they *did* seem to be the only ones doing so consistently. The labor folks would articulately state their case. Then the opposition would be called up to make its arguments, and these two troopers would nobly rise to the occasion, often to the audible gasps or derisive whispers of the outnumbering liberals present. It was a gang fight, but our gang failed to show.

I cornered one of the two intrepid lobbyists as the hearing ended to ask why only two people from "our side" repeatedly rose to oppose bills so blatantly bad for California commerce. They said, in effect: "it's always like this." The business community seems to have improved it's act a little since then, but only a little. Conservatives are still habitually outnumbered at these proceedings, often radically so.

I nominate three explanations for this paradoxical state of affairs: first, business's weariness with politics; second, business advocates' lack of passion for the

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cause combined with an overall failure to see the importance of participating in public hearings, and, third, what I call the "I'm that good" syndrome — a sort of consummation of my first and second explanations that manifests itself almost as a disease afflicting too many lobbyists representing the pro-market side of the Sacramento debate.

Political weariness

An often-remarked, but little considered, fact of life underlies most of the disparity I have been describing: businessmen tend to see business, their own business, as their primary concern, with politics a distraction to be kept in as negligible a role as possible, while liberals and leftists live, breath, eat, and sleep politics. It is their livelihood, as I said above. But the failure to consider that I mentioned comes in here, because most businessmen leave the question at this point, rarely thinking about the false luxury they are affording themselves with this view of the political equation. The truth is, the left is not interested in politics *per se*. Politics is its means to achieve what the left really wants: power — power over *your* business, power to take and spend *your* profits and to run *your* life. In short, the businessman and the leftist are interested in the same thing: the businessman's livelihood. Both want it for themselves; one because he or she earned it, the other because he or she wants to redistribute the financial rewards *you* have earned as the leftist political machine sees fit.

Too few business owners grasp that when they act politically they are acting *for their business* as certainly as when they count inventory, seek out new customers, hire help, or prepare their payroll. As a result, they short-change their efforts in Sacramento. Some industry organizations seem satisfied merely tracking legislation without actually trying to influence it in any way. Other business groups send no more than a minimal monthly fee to a lobbying firm tasked to keep an eye on pertinent legislation for the group and its members. These lobbying firms usually have lots of clients, some paying much larger sums and expecting far more lobbying in return. The clients shelling out less cash will, understandably, receive proportionately less attention. That's not negligence; it's business. You get what you pay for.

Another indication of weariness: some businesses and their owners seem to pay scant attention to whether or not the organizations established ostensibly to win victories for them in Sacramento actually are doing much that is real and tangible for them at all. One excuse is that it all seems so foreign: association, industry, and trade group members regularly allow themselves to be put off by the various smoke screens that the Sacramento legislative world generates to make government seem a complex, esoteric realm. They permit this ethereal, nebulous atmosphere to serve as cover while lobbyists throttle back on their efforts without anyone really noticing. How can you accuse someone of not doing their job if you're not clear yourself about what, exactly, the job is? The Capitol is a maze and legislative jargon is often like a foreign language. Rather than display one's ignorance, how much easier it is just to accept the stock answers and move on to another subject.

This spirit of detachment from the realities of the Capitol sometimes infects whole organizations. What exactly is happening to their members as a result of laws drafted, debated, and enacted seems to fall to a secondary level of interest as their primary concern becomes, more and more, simply generating dues revenue. Such legislative activities as they do occasionally take on seem limited mainly to the creation of useful sales tools, giving the *impression* of lobbying without actually lobbying much at all. These groups emphasize a handful of industry-specific bills each year, talk about them a great deal in newsletters or publicize them in photo ops to members, but stop more or less with that. In such cases, for instance, one rarely sees these organizations actively "networking" with other groups that share an interest in this or that bill. Such "other groups," after all, are competitors for the same member businesses that sustain the organization and the pie is only so big. Why share credit, especially when it is only the appearance of credit anyway, that is up for grabs?

Merchant coalitions, trade groups, industry alliances, and anyone else with a stake in the continued health of California commerce ought to demand more accountability from their lobbyists. Ask questions. Get verifiable answers. Who is minding the

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Too few business owners grasp that when they act politically they are acting for their business as certainly as when they count inventory or prepare a payroll.

store? Are they doing what they claim? I'm persuaded that most legislative advocates who are, in fact, doing the grunt work can document it, and would be more than willing to do so.

Lack of passion

Do legislative hearings matter? The arguments I hear from folks who prefer to skip them might make you wonder. Their case, roughly, is as follows: truly well-connected lobbyists don't need to attend hearings — those missing legislative advocates are absent because they have already made their positions known in private meetings with lawmakers; no organization can lobby every important bill; the hearings themselves are little more than "dog and pony shows" with predetermined outcomes. There's some truth in these arguments. But despite their shortcomings, hearings are the designated showcase for pending legislation, the lightning rod event for views pro and con. They are the arena where the intent of the author is stated, the bill's language dissected, the witnesses heard, the ideological battle lines drawn, and, most importantly, both sides stand up to be counted.

Yes, there are many ways to get your political point across: one-on-one meetings, e-mails, faxes, phone calls, and all the rest. "Chamber of Commerce" days and mass rallies on the Capitol steps can serve a purpose, although they have a way of becoming sort of legislative Potemkin Villages: elaborate, media-friendly, and short-lived displays packaged primarily to disguise what isn't being done the other 364 days of the year. Committee meetings are our regular ongoing opportunities to convey our message, the time when the thumbs up or thumbs down vote is laid bare before God and everybody. We live in a democracy. That means legitimacy is not merely a matter of being right; it is also determined in part by seeing which side lines up the greatest show of support. Yes, a lot of it is theater — welcome to human nature. People are moved by and respond to drama, and for good reason. It is often a powerful indicator of realities lying behind carefully constructed but misleading facades. I can go into a hearing knowing my arguments on a bill are more rational and based on firmer evidence than are the arguments of my opponents. But guess what? That isn't always enough — because being right but not caring enough to stand up and be counted isn't enough. Few things are more discouraging than going to a hearing to speak against a bad bill but first seeing a litany of leftist groups listed in the committee analysis as supporters, to see their representatives jamming the room and outer hallway eagerly waiting to testify, while, on our side, seeing only a small number of conservative groups (often the same ones repeatedly) appearing in opposition. Or conversely, precious few conservative outfits show up to support a good bill, while a phalanx of liberal organizations are there to decry it passionately. These scenes seem to convey a reality beyond themselves: that the "majority" of Californians supports leftist goals — or at least the majority of Californians who give a hoot — while "the right" represents a tiny, aberrant, essentially irrelevant blip on the political radar screen. It happens — over and over again.

Effective legislative advocacy combines professionalism *and* passion. Leave out one or the other and you've got problems. Besides, how tough is it for a lobbyist or business group leader to write a formal letter supporting or opposing a bill, and then to show up personally at least every now and then to testify at the relevant hearing? It's hardly the equivalent of working on the chain gang, though the determination with which many lobbyists avoid doing even that much might make an objective observer suspect otherwise.

'I'm that good.'

Business's political weariness combines with business *advocates'* frequent shortage of passion to produce, on more occasions than it is pleasant to contemplate, the weird spectacle of the seasoned Capitol advocate who seems to live, if at all, solely in the past — his or her past, that is: past reputation, past accomplishments. Don't get me wrong. A fine rep-

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utation is certainly something to covet, but its value exists only to the extent the reputation serves as a reliable indicator of future performance. Such an asset becomes a liability if it degenerates into a substitute for old fashioned hard work. It's what I call the "I'm that good" syndrome. Its leading symptoms show themselves in such pronouncements as: "I've been doing this for so long, I'm so well-known, talented, educated, and highly respected here at the Capitol that I don't need to attend those silly hearings or meetings like garden variety lobbyists do. I'm that good." Lord, we are not worthy to receive You, only say the word and we shall be healed.

I recall a conversation with a fellow lobbyist in my early days in this job. I freely admitted I was inexperienced but eager to learn. He then kindly shared with me his sterling legislative track record, proudly dropping names of powerful Sacramento luminaries with whom he was a personal friend. He intended to dazzle me, and he succeeded, at least in part. I remember thinking: this guy seems full of himself, but hey, it sounds like he has good reason to be. After all, he is a political elite, a mover, a shaker — he told me so. I also remember thinking I'd surely run into him and his organization frequently in the future, given the obvious political issues in which we shared a strong interest. But I never did. I can't be sure, but my gut instinct tells me he was yet another victim of "I'm that good" syndrome. Maybe there is a vaccine we can develop.

Full-court press

Liberal Democrats still rule the Legislature. That's not changing anytime soon. Restoring California's economic health calls for a full-court press from pro-business groups and their advocates at every opportunity, not for some legislative ventriloquist act where we throw our voice at the Capitol, pretending to be where we really are not. It's time for persistence and dedication, not phony embellishments, half-hearted efforts, and parlor tricks. Lobbying can be quite lucrative, and effective lobbyists earn every penny, but if money, prestige, and ego are allowed to take over completely, this profession begins more to resemble an old-fashioned bait and switch.

How tough is it to write a letter supporting or opposing a bill, and then to show up personally at least every now and then to testify at the relevant hearing?

The bottom line? Diverse liberal groups and their advocates show up in force at the Capitol, again and again, united in their mission and convinced of the rightness of their cause. They frankly don't seem to care much who gets credit for the win as long as their side emerges victorious. We need to learn from that. A good lobbyist researches the bills, works the hours, takes a stand, makes the calls, writes the letters, networks with like-minded lobbyists, attends the relevant meetings as often as possible, and generally lives life at the Capitol as if the folks paying his or her salary were there watching every minute. To do the job right and consistently takes a whole lot of work and there are no shortcuts.

When we're consumed with who takes individual credit for what in reality is a joint legislative effort, with how we can parlay our alleged lobbying accomplishments into an income stream, with the next glowing Sacramento report we can print in the organizational newsletter, or any other self-serving goal, we short-circuit our effort, disconnecting from what really matters: the people, industry, or cause we claim to serve. There are many dedicated conservative lobbyists in Sacramento. I'm fortunate to know some of them. But too few are carrying too big a share of the load. That has to change. No more busy signals. No more pretending. Talk is cheap. Everybody get to work. CPR

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'Puke Politics' at the Times

(Continued from page 24)

were anonymous.

When the "we don't publish attacks based on anonymous sources" excuse failed to assuage the growing criticism, the paper switched to saying the allegations "couldn't be corroborated." This is laughable. The identity of the woman in question is no secret around the Capitol, nor are the identities of other former Davis staffers with different horror stories to tell about abuse at the hands of His Grayness. It took me all of half a day and five phone calls to determine this.

Jill Stewart, Mickey Kaus, and Hugh Hewitt, through their own writings, led those keeping pressure on the *Times* over its anti-Schwarzenegger, pro-Davis double standard. The atmosphere grew so intense John Carroll published a defense of his paper's work, taking up fully a half page, the Sunday before the election. He shifted defenses for not publishing the Davis story yet again, this time writing that "the discernible facts didn't support a story." Oh really. A female staff member is so abused that she ends up in the hospital, and that abuse is so clear that she gets full pay working from home for months, and returns to the office only on the condition that she's never again alone in a room with her boss, a statewide elected official. It seems to me you don't have to be Joseph Pulitzer to see that the "discernible facts" of this case indicate one Hell of a story. Unless, that is, it is about someone you want to protect.

The partisanship: Los Angeles has a newspaper that employees no conservative or pro-recall columnists, conducts a clearly bogus poll that inflates anti-recall, anti-Schwarzenegger sentiment, then publishes a tabloid-style hit piece against Schwarzenegger on dirty tricks Thursday. Partisan pandering? Once again, see above on "coincidences in politics."

When it threw it's groping mudball at Schwarzenegger the paper stated that none of the information was provided by Schwarzenegger's political opponents. It repeated that assertion many times in the first day or two after the attack. Then it was revealed that one of the women in the story was a contributor to Zsa Zsa Huffington, and another is the former wife of Max Palevsky, Gray Davis's political mentor and Godfather, and a close friend of Democrat hit man Bob Mulholland. The *Times* quit saying opposition sources had provided none of the information, but did *not* explain why it quit. You might think the information on two of Schwarzenegger's accusers would be important information for *Times*' readers to have. The editors apparently disagreed, as it never saw the light of day in the *Times*.

Columnist Bill Bradley wrote in *L.A. Weekly* that a "well informed source inside" the *Times* said that "senior Democrat strategists knew the particulars" of the hit piece "well in advance of the story's publication." Bradley wrote that Democrat strategists "with longstanding ties to Davis knew not only when the story was coming out but the particulars of what was in it." The Davis campaign was ready with television commercials on the specifics of the *Times*' charges within a nanosecond after they appeared in print. These dots are not difficult to connect.

And finally, as to partisanship, comes a revealing and damning interview given to Stewart — remember, a former *Times* reporter herself — by a current employee at the paper, someone Stewart describes as "a longtime, respected *Times*-ian involved in the Schwarzenegger coverage." Here are excerpts of that interview:

"Toward the end, a kind of hysteria gripped the newsroom. I witnessed a deep-seated, irrational need to get something on this guy (Schwarzenegger) ... It was visceral, and he made it clear he (editor John Carroll) wanted something bad on Schwarzenegger and he didn't care what it was ... What I know for a fact is that they could have published the story much, much earlier ... It all happened amidst a poisonous atmosphere here against Schwarzenegger — a blatant political undertone that was everywhere in the newsroom ... It was awful to watch Carroll. It became a Capt. Ahab and Moby Dick thing where they felt an increasing need to nail those points that could most hurt Schwarzenegger. At times, it made me physically uncomfortable to be in the newsroom."

We all know, or at least those of us who went to private schools do, what happened to Captain Ahab. A more appropriate analogy I think is between the over reaching of the *Times* and the over reaching of liberalism in general. Liberals often talk a good game to the voters, and sometimes their soothing snake oil is enough to win elections. But once in power, liberals invariably over-reach and provoke a reaction from average voters. Proposition 13, legislative term limits, and the recall itself are prime examples.

The *Times*, as I expect is now clear to most voters, has given up reporting political news, serving instead as house organ for the leftist L.A. glitterati. But like its soul brothers on the furthest left wing of the Democrat Party, this time the paper over-reached. It failed to heed Bill Lockyer's advice, and so is now drowning in its own vomit.

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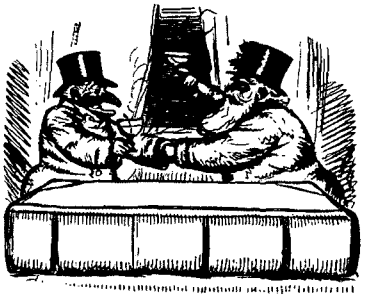

CRITICUS

Necrology

BY G.B. TENNYSON

THE MODERN LANGUAGE ASSOCIATION of America (MLA) is one of the oldest scholarly organizations in the United States, dating from 1883. Its official publication *PMLA* (originally *Publications of the Modern Language Association,* now known only by its initials) includes among its six annual issues one consisting of a directory of members. A feature therein is a listing titled for many years "Necrology." The term came originally from ecclesiastical use, denoting, to quote the *Oxford English Dictionary,* "a register of persons connected with, or commemorated by, the church, monastery, etc." In subsequent use it denotes a listing of the deaths, normally during the previous year, of persons associated with a particular enterprise or activity, in the case of the MLA members of the organization. Persons in the academic literary sphere have regularly looked into its September appearance to see who among their fellows had been gathered to their ancestors since the prior listing. In some cases the death was already known because the scholar had been celebrated enough to gain mention in the press or was a personal acquaintance; but in other cases one might learn with surprise, and sometimes shock, of the death of a colleague at a distant institution.

A few years back (I can't recall exactly when, but not all that long ago) the death-roll dropped "Necrology" and appeared under the heading "In Memoriam," though it remained otherwise as it had always been. I know not why this change was made, but of course I can speculate. Just as the organization itself has deteriorated intellectually over the years and is now the property of tenured and untenured radicals, it must have seemed to the powers that so ancient a term as Necrology was no longer meaningful to modern members or, if meaningful, too churchy and even macabre, coming as it does from the same source as *necrophilia, necrophagy, necropolis,* and the like. Of course "In Memoriam" is even more Latinate than "Necrology," but it has the advantage of being the title of a great poem by the great Victorian Poet Laureate whose name I forbear to mention.

Interestingly, that same OED that tells us of "Necrology" cites as the first instance of the use of "In Memoriam" (in memory of, to the memory of) nothing other than the title of the poem. The dictionary does go on to explain that the term itself was of great antiquity, being used on tombstones and as the title of epitaphs. But it apparently didn't find its way into English print — the criterion for citation in the OED — until Tennyson (there, I've done it) published his poetical tribute to Arthur Henry Hallam in 1850. Presumably the editors at *PMLA* thought that this association would be more fitting and literary as a title. The problem is that "In Memoriam" normally precedes some kind of further obituary statement as a

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"memorial poem or writing," whereas in *PMLA* it simply precedes the traditional listing of names with institutions and dates of death. In other words, it remains a necrology.

None of the foregoing is of any great moment, but it did trigger Criticus to reflect upon one of his favorite kinds of reading matter, namely, the obituary. There are probably those among you who never read obituaries, considering them either boring or ghoulish or both. The younger you are the more likely you are to hold such a view. To Criticus, however, obituaries are windows onto the culture that tell us much that is not covered in conventional news. They can often surprise us with information even on well-known figures, and on the lesser known they can provide fascinating insights. As a consequence of musing on "Necrology" supplanted by "In Memoriam," Criticus decided it was time to share with Constant Readers some telling items from recent obituaries. These range from a single arresting fact to a précis of some aspect of a given notability's life. The choices are arbitrary: they are simply a very limited selection of the people and facts that gained my attention over the past year or so, sometimes favorably, sometimes not. But the end result will be, I hope, illuminating, showing the good, the bad, and the ludicrous about the human condition. (*Note:* all of the following died between 1 January 2002 and 10 October 2003; each name is followed by the age at death.)

Obituaries are windows onto the culture that tell us much that is not covered in conventional news.

THE ORIGINAL? — ROSA CARDINI (75)

Criticus is not especially fond of Caesar Salad, even though a group of leading Parisian chefs in 1953 pronounced it America's greatest contribution to world cuisine. What is most interesting about the concoction is that the origin of it has for so long been disputed. With the death of Rosa Cardini the issue arose again because Rosa was the daughter of Caesar Cardini who is credited by most, and certainly by his daughter, with having created the salad at his restaurant in Tijuana on July 4, 1924. The restaurant had run out of ingredients, so Caesar gathered up some leftovers and then concocted a dressing at the table. The dish became popular with American film stars who ventured often to Tijuana to escape Prohibition, and their enthusiasm in turn prompted a certain Mrs. Wallis Warfield Simpson to introduce it to Europe. Later Cardini and family moved to Los Angeles where he opened another restaurant, and Rosa eventually took over the family business and very successfully marketed the special dressing. Meantime, some claimed that the salad had actually been invented by a Chicago-based Italian chef, one Giacomo Junia, and Caesar's brother Alessandro also claimed to have originated the dish. My favorite candidate, however — and this is a serious claim that has been made — is an unnamed Sicilian waiter at the Tijuana restaurant. All of which raises another question: is mayonnaise really, as legend has it, named after the Spanish city of Mahon on Minorca to honor a French military triumph and was it created by the chef to the victorious Duc de Richelieu? There should be a monument to culinary inventors known but to God.

THE POST-COLONIALIST — EDWARD SAID (67)

An academic superstar whose death was widely covered in the press. He is credited with having launched "post-colonial studies," the academic term for revisionist negative assessments of colonialism, which has become one of the fashionable specialties of literary studies. Said was born a Christian Arab in the Palestinian Mandate and, like so many who became famous, spun a fanciful and even fictional account of his early years, claiming to have been forced into exile by the founding of Israel, which made him a lifelong exile and opponent of the Jewish state. His account of his early years was exposed as selective and misleading, including such things as claiming that the Israelis confiscated the house in Jerusalem where he was born, when in fact it belonged to an uncle who later evicted the Jewish philosopher Martin Buber from that same house. When these and similar revelations became known, Said threatened a libel suit but subsequently allowed it to lapse while insisting that he had never given a false

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impression of his childhood. These unflattering aspects of his career were not mentioned in the laudatory half-page obituary in the *Los Angeles Times.*

THE VENONA OPERATION — MEREDITH KNOX GARDNER (89)

This unsung hero was the National Security Agency cryptanalyst who broke the Soviet codes that led to the unmasking of such spies as the Rosenbergs, Klaus Fuchs, and Kim Philby. Gardner's identity remained secret to the public at large until 1996, even though he had retired in 1972 and the Venona operation had been concluded in 1980. Should there not be some sort of posthumous government honor paid to this man?

THE DIVING HORSES — SONORA CARVER (99)

Until the 1970s when animal rights activists forced abandonment of the practice, a popular tourist attraction at Steel Pier in Atlantic City was the spectacle of the diving horses. This involved a horse and rider (originally male) plunging into a tank of water. Sonora Webster Carver was the first woman to perform the trick, which she did for the first time in 1924. In a 1931 dive her horse, named "Red Lips," plunged into a steep nosedive and she was sent face-first into the water. As a result she suffered detached retinas and went blind. She continued to ride the horses, however, until World War II! After that she learned Braille and became a Dictaphone typist. PETA, be still; NOW, take note.

HIS NAME IS ... (RICHARD) MUDD (101)

He was the grandson of Dr. Samuel Mudd who was condemned to life imprisonment (later reduced) for having given medical attention to John Wilkes Booth and a companion immediately after the assassination of Abraham Lincoln and was therefore held to be in a conspiracy to help Booth escape from justice. Dr. Mudd, like his fellow Marylander Booth, was also a Confederate sympathizer, which doubtless inclined the military tribunal to distrust him, but he was almost certainly innocent. His grandson, also a doctor, led the family fight to have Samuel Mudd's conviction reversed. The case is still pending in the courts. When Richard Mudd died at the age of 101, he was only one generation removed from a man who was flourishing in 1865. But the idea that one's name being mud stems from the good doctor is simply folk etymology. The expression appears as early as 1815..

I AM A JELLY DOUGHNUT — ROBERT LOCHNER (84)

The man who advised President Kennedy on how to say "I am a Berliner" in German grew up in Berlin, served in the U.S. military during the war, and afterwards became the chief interpreter for the U.S. occupation forces and lived on afterwards in Berlin where he died. How could it be that he instructed Kennedy to say "Ich bin ein Berliner" when the proper expression should have been "Ich bin Berliner," or possibly even "Ich bin auch Berliner" (I too am a Berliner)? The reason for all this is that idiomatic German does not precede a noun denoting a resident of a place with "ein." *Ein Berliner* for instance is the name for a jelly doughnut. If this sort of thing keeps up we will have people proclaiming that they are frankfurters, wieners, and hamburgers, for the Lochner-Kennedy locution has become an American standard. As I remarked many columns ago, that calculating Kennedy admirer Bill Clinton also had an adviser in Cologne who prompted him to say "Ich bin ein Kölsch," which translates as "I am a (Cologne style) beer."

TWO FOR THE ROAD — ELIA KAZAN AND LENI RIEFENSTAHL

These two died within 20 days of each other in September of this year, first Riefenstahl at 101, then Kazan at age 94. Both received more news coverage than obituary coverage. I have had my say on Riefenstahl in these pages before, and I have nothing to add to the abundant coverage of Kazan except to note that British obituaries pointed out that he was an Armenian Turk originally surnamed Kazanoglou and affectionately called "Cadge." I bring the two persons up only to remind us, if we need reminding, that the left has become the modern equivalent of the Bourbons: they learn nothing and they forget nothing. The media coverage of Kazan dwelt endlessly on his naming of names before the House Committee on Un-American Activities, a "betrayal" that the left holds responsible for the Hollywood Blacklist, which they never mention was done by Hollywood itself, not the U.S. Government. As for Riefenstahl, she was constantly referred to as "Hitler's Filmmaker," and one news item even made of point of noting that at her funeral service in Munich they played music from "*Tannhaeuser* by Richard Wagner, Hitler's favorite composer." Just as well for them both that Leni and Arnold never knew each other.

THE LUCKY DIANA — LADY MOSLEY (93)

The third, and reputedly most beautiful, of the six extraordinary Mitford sisters and the fifth to die (only Debra, Duchess of Devonshire remains of the six), Diana may be thought by some to have been the opposite of lucky. Born to luxury, cousin to the wife of

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Winston Churchill, an ornament in British high society in the nineteen-twenties and thirties, she became enamored of Oswald Mosley, leader of the British Union of Fascists, and she met and greatly admired Adolf Hitler. Indeed, Goebbels arranged her marriage to Mosley in Germany, and Hitler came to dinner after the wedding, presenting the couple with a photograph of himself in a silver frame topped by an eagle. By the time that Britain and Germany were at war the Mosleys found themselves imprisoned in 1940 under a vague defense regulation. They were not released until 1943 and even then placed under house arrest until the end of the war. Diana, ever indifferent to public perception, was seen by Evelyn Waugh after her release to be wearing a diamond swastika brooch.

Knef delivered her songs in a voice some likened to a bullfrog. But it worked. As Ella Fitzgerald said, 'She's the world's greatest singer without a voice.'

N THE 1950s the Mosleys moved to a house outside Paris known as *"Temple de la Gloire"* (Temple of Glory), though called by their enemies "The Concentration Camp." There they wrote various books and published a magazine and entertained graciously. Oswald Mosley died in 1980; Diana survived him by twenty-three years. She never repudiated any of the many adoring things she said about Hitler, and was quoted in 2000 as saying "I was very fond of him. Very, very fond." While the obituaries occasioned by her death were full of accounts of her fascist sympathies, they were also full of accounts of her beauty and charm and generally held that Lady Mosley was to be at least respected for her uncompromising stand about her beliefs. Leni Riefenstahl never said anything remotely so approving of Hitler and Naziism as did Diana Mosley, yet she had to spend a lifetime defending the making of two documentaries. Even the conservative columnist Mark Steyn managed to write fondly and nostalgically of his meeting with Lady Mosley at the Temple of Glory — "If you could get over the whole Hitler thing, Diana was the best kind of girl" — and yet, in another article, to conclude of Riefenstahl, admittedly after praising her cinematic genius, that "she made evil look better than it had any right to," as if the thirty-something filmmaker should have known in 1935 what would happen in the nineteen-forties. Moral of the story? Never apologize, never retract, and above all be born into the aristocracy.

THE THINKING MAN'S DIETRICH — HILDEGARD KNEF (76)

The ultimate survivor, Hildegard Knef began her acting career in German films near the end of World War II, but in the closing days of that conflict she disguised herself as a man and followed her lover to the eastern front where she was imprisoned either by the Poles or the Russians (accounts vary) but managed to escape and make her way back to Berlin. She became one of the first postwar leading German actresses, was lured to Hollywood where she made a few films under the name Hildegard Neff but refused to pretend for the Hollywood moguls she was Austrian and thereby lost some roles. She returned to Germany and stardom on stage and screen, then was recalled to Hollywood for a number of successful films, and then moved to Broadway to star for two years as Ninotchka in Cole Porter's *Silk Stockings.* She continued making films but also, as a result of her singing role as Ninotchka, began a new career as a *chanson* singer, delivering her songs in a husky voice that some even likened to a bullfrog. But it worked. Or, as Ella Fitzgerald said, "She's the world's greatest singer without a voice." "Die Knef," as she was affectionately called in her homeland had as her signature song an affecting ballad titled "Für mich soll's rote Rosen regnen." — "For me it's going to rain red roses." It is an expression of indomitable desire and resolve, citing all the things the speaker wants as she goes through life. It ends, fittingly, "Ich will, ich will ..." — "I want, I want ..."

Bit Players

Following are brief notices of a few who attracted Critical attention for some achievement or even oddity in their lives.

Vivien Greene (98) The widow of novelist Graham Greene and the proximate cause of his conversion to Catholicism. They married in 1927, had two children, and obtained a legal separation in 1948 but never divorced. She went on to become a specialist in

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dolls' houses. He went on to novel-writing, numerous affairs, and spent the last 25 years of his life with his last mistress Yvonne Cloetta, called by Vivien "Madame C." "Of course," said Vivien, "he wasn't faithful to her, just as he wasn't to anyone else."

Joseph Kane (103) The author of fifty-two books, beginning with *Famous First Facts* in 1933 and going on to record many other famous first facts of U.S. history, from the shortest president (Madison at 5ft. 4) to the first airplane (flown by one Gustave Whitehead two years before the Wright Brothers).

Norbert Schultze (91) He was the composer of the song "Lili Marleen" (Englished as "Lilli Marlene"), inspired by a poem by a World War I German soldier, Hans Leip. It was introduced in 1939 by the great Lale Andersen (the German Vera Lynn, for those who can remember) but only took off two years later with the Afrika Korps and then spread throughout Europe with soldiers on both sides of the conflict making it their own.

Gerald Campion (81) British actor who played the obese Billy Bunter for ten years in an early BBC television series based on a sequence of stories in boys' comic books about life at Greyfriars Hall in which Billy is endlessly tormented for being fat by bullying school fellows as well as the headmaster ("Bend over, you wretched boy" as he applies the birch). One shudders to think what would happen were such a show produced today.

Lionel Poilane (57) French bread baker who created the large, round "Pain Poilane" that sells for about $6 a pound and is in such demand that lines form at his Parisian bakery and American fans instruct the few places that carry it to ring them upon arrival of a shipment. Poilane eschewed the baguette, which he claimed was not French but slipped in by an Austrian.

Ed Headrick (78) He introduced and patented the first professional model Frisbee, which took its name from pans produced by a Bridgeport, Conn., bakery run by the Frisbie *[sic]* family and tossed about by Yale and later Harvard undergraduates from the 1930s on. It was introduced nationally in 1957 as the "Pluto Platter," but Headrick's design, marketed by Wham-O and named "Frisbee," took over the field with its superior lift and greater distance reach. (Incidentally, a different designer, one Walter Fredrick Morrison, is credited in other sources with introducing the commercial Frisbee also in 1957 but under the name "Flyin' Saucers." This is one for Joseph Kane *(see above).*

Ed Headrick introduced the first professional model Frisbee, named for pans produced by a Bridgeport, Conn., bakery run by the Frisbie family.

Lizzie Brown (111) One of the last of the nineteen living true daughters of the Confederacy, being the offspring of one Pleasant Marion McEachern who fought in The War as a 16-year-old Georgia farm boy.

John Edwards (53) Not to be confused with the presidential aspirant of the same name, this one was the improbable longtime companion of the British artist Francis Bacon, improbable because Edwards was an illiterate Cockney barman who, although like Bacon a homosexual, claims that their relationship was never physical. They frequented the fashionable but raffish Colony Club in London as well as dined in elegant restaurants.

Edwards inherited Bacon's estate when the painter died in 1992. It was worth about $17 million. He moved to the Florida Keys and then to Thailand where he lived in a house on the beach with his companion Philip Mordue. To the end he regularly sprinkled his discourse with Cockney rhyming slang.

The Countess of Paris (91) Princess Isabel Marie Amelie Louise Victoire Thérèse Jeanne d'Orleans, the widow of Henri, Count of Paris, Head of the Royal House of France, and claimant to the French throne as King Henry VI. She is survived by nine of her eleven children, but which one is now the claimant to the throne my sources, alas, do not say. Nevertheless, *La Reine est morte, vive le Roi.*

Allan Hall (71) He inspired the annual *Beaujolais Nouveau* race in which runners, racers, cyclists, truckers, and pilots seek to be first to bring "le Nouveau" to Paris and elsewhere (Hall called for its delivery to his office in Fleet Street, London) following its official release at midnight on the third Thursday of November. Of course it tastes quite the same on Saturday. CPR

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